

Appendix 2-2 NOP and NOP Comments

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**NOTICE OF PREPARATION AND
NOTICE OF PUBLIC SCOPING MEETING**

Date: May 10, 2021

To: California State Clearinghouse
San Bernardino County Clerk
Responsible and Trustee Agencies
Interested Parties and Organizations (List Attached)

Subject: Notice of Preparation (NOP) for the City of Rancho Cucamonga General Plan Update 2020 Environmental Impact Report (EIR) and Notice of Public Scoping Meeting

Lead Agency: City of Rancho Cucamonga

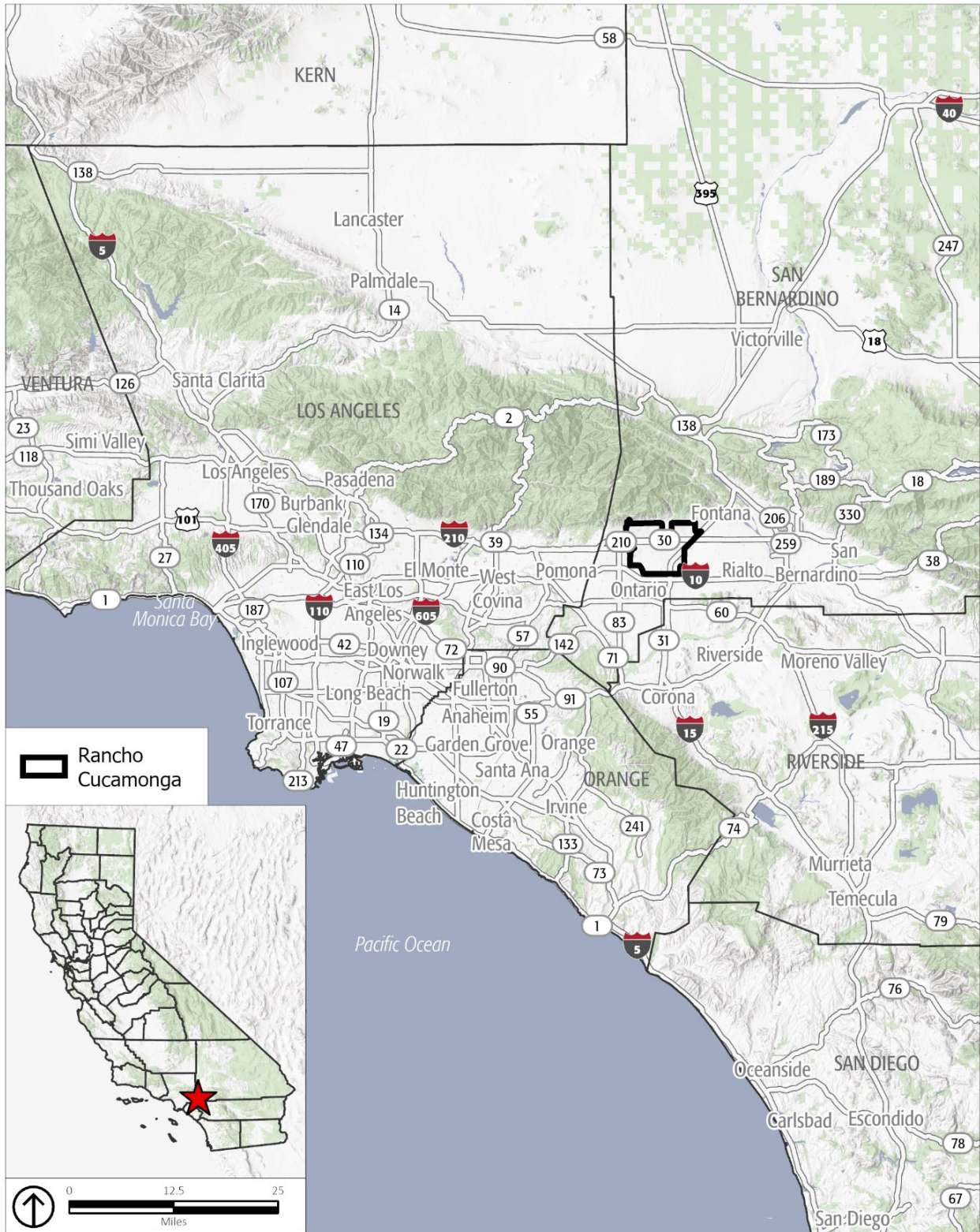
Contact: Jennifer Nakamura

Project Title: Rancho Cucamonga General Plan Update 2020

Project Location: The City of Rancho Cucamonga's Planning Area and Sphere of Influence are in southwestern San Bernardino County, California, at the foothills of the San Gabriel Mountains and Angeles National Forest. Adjacent to the west, south, and east are the cities of Upland, Ontario, and Fontana, respectively, and a large area of unincorporated San Bernardino County to the north and east. Interstate and regional access to the City is provided by Interstate 15 (I-15), which runs in a general north-south direction and bisects the eastern portion of the City, and by State Route 210 (SR-210), an east-west freeway that runs through the center of the City. The I-10 freeway also provides regional access and is located approximately 0.75-mile south of the City boundary. Rail access is provided by Metrolink, and the Ontario International Airport is approximately 1 mile south and west of the City. Figure , *Regional Location*, and Figure 2, *Citywide Aerial*, show the General Plan Area in its regional and local contexts.

Scoping Meeting: 6:00 PM, Tuesday, May 18, 2021, Zoom Meeting:
<https://zoom.us/j/92520395576>

Figure 1, Regional Location



Source: City of Rancho Cucamonga, 2020; Esri, 2021

Figure 2, Citywide Aerial



Source: City of Rancho Cucamonga, 2020; Esri, 2021

PURPOSE

In accordance with Section 15021 of the California Environmental Quality Act (CEQA) Guidelines, the City of Rancho Cucamonga, as lead agency, will prepare an Environmental Impact Report (EIR) for the Rancho Cucamonga General Plan Update 2020 (General Plan Update). Pursuant to Section 15082(a) of the CEQA Guidelines, the City of Rancho Cucamonga (City) has issued this Notice of Preparation (NOP) to provide responsible agencies, trustee agencies, and other interested parties with information describing the General Plan Update and its potential environmental effects. The City is soliciting your comments on the scope of the environmental analysis.

Section 15082(b) of the CEQA Guidelines requires comments to be provided within 30 days of receipt of a NOP. In compliance with the time limits mandated by CEQA, the comment period for this NOP is from **Monday May 10, 2021 to Wednesday June 9, 2021**. Please email your written comments to Jennifer Nakamura, at Jennifer.Nakamura@CityofRC.us or physically mail them to the Planning Department at the City of Rancho Cucamonga, 10500 Civic Center Drive, Rancho Cucamonga, CA 91730. Please include the name, email and/or telephone number of a contact person at your agency or organization who can answer questions about the comment.

PROJECT SUMMARY

The City of Rancho Cucamonga's General Plan Update will provide the long-term planning blueprint for the improvements needed to house the City's growing population over the 20-year planning horizon. The City could potentially grow from its current population of approximately 178,000 to a population of approximately 245,000 with roughly 25,000 new households and 32,000 new jobs. As a City approaching buildout within the City limits, the new growth is focused in areas of the City where services exist or can be extended to serve a more intensive development.

In addition to the land use map, the General Plan will identify long-term goals; provide a basis for decision-making; provide citizens a forum for input on their community's direction; and inform citizens, developers, decision-makers, and other cities of the ground rules for development. The General Plan will advance the City's vision for a resilient, equitable, and healthy community with high-quality development and urban centers and corridors. The General Plan Update includes comprehensive updates to the required elements under the State Planning and Zoning Law, as well as other optional elements that the City has elected to include in its General Plan: (1) Land Use and Community Development; (2) Focus Areas; (3) Open Space; (4) Mobility and Access; (5) Housing; (6) Public Facilities and Services; (7) Resource Conservation; (8) Safety; and (9) Noise. In addition, an Environmental Justice Element is embedded throughout the General Plan Update's goals and policies. Each element includes goals and policies that are based, in part, on the City's overarching vision described below, State, and local law, and other considerations. The Development Code will be updated in the future to reflect the changes in the General Plan Update.

Additional information regarding the General Plan Update can be found on the City's website: <https://www.cityofrc.us/GeneralPlan>

PROJECT DESCRIPTION

Overall Approach to the General Plan Update

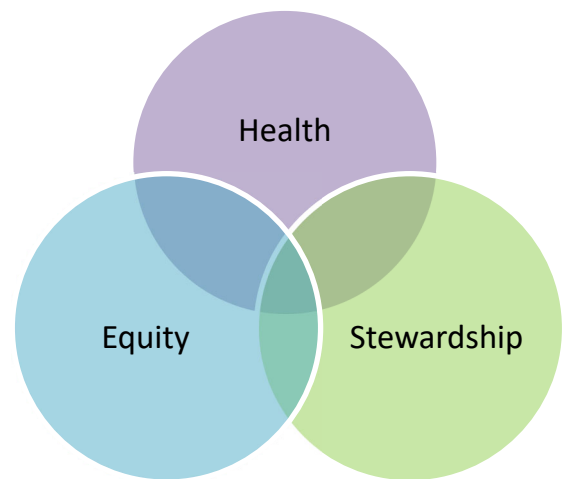
The vision for this General Plan Update is embodied in a single sentence.

“Build on our success as a world-class community to create a balanced, vibrant, and innovative city, rich in opportunity for all to thrive.”

Development consistent with the vision must also be in line with the core values of the community which are health, equity, and stewardship. These core values are used to develop policies guiding future development. Above all the General Plan is for people not things.

The projected growth over the next twenty years is guided into areas of the City that have the resources to accommodate it, or where the resources can be easily improved. This means that much of the community is expected to continue the incremental growth allowed by the existing general plan, with an encouragement to improve the connectivity of trails, paths, and roadways.

Figure 3 illustrates the areas of the City that will have minimal change because of the General Plan Update. The areas of the City intended for more substantial change are shown on Figure 4 Focus Areas. As the Focus Areas are in the developed core of the City, new development would intensify the existing land use pattern established by the current General Plan.

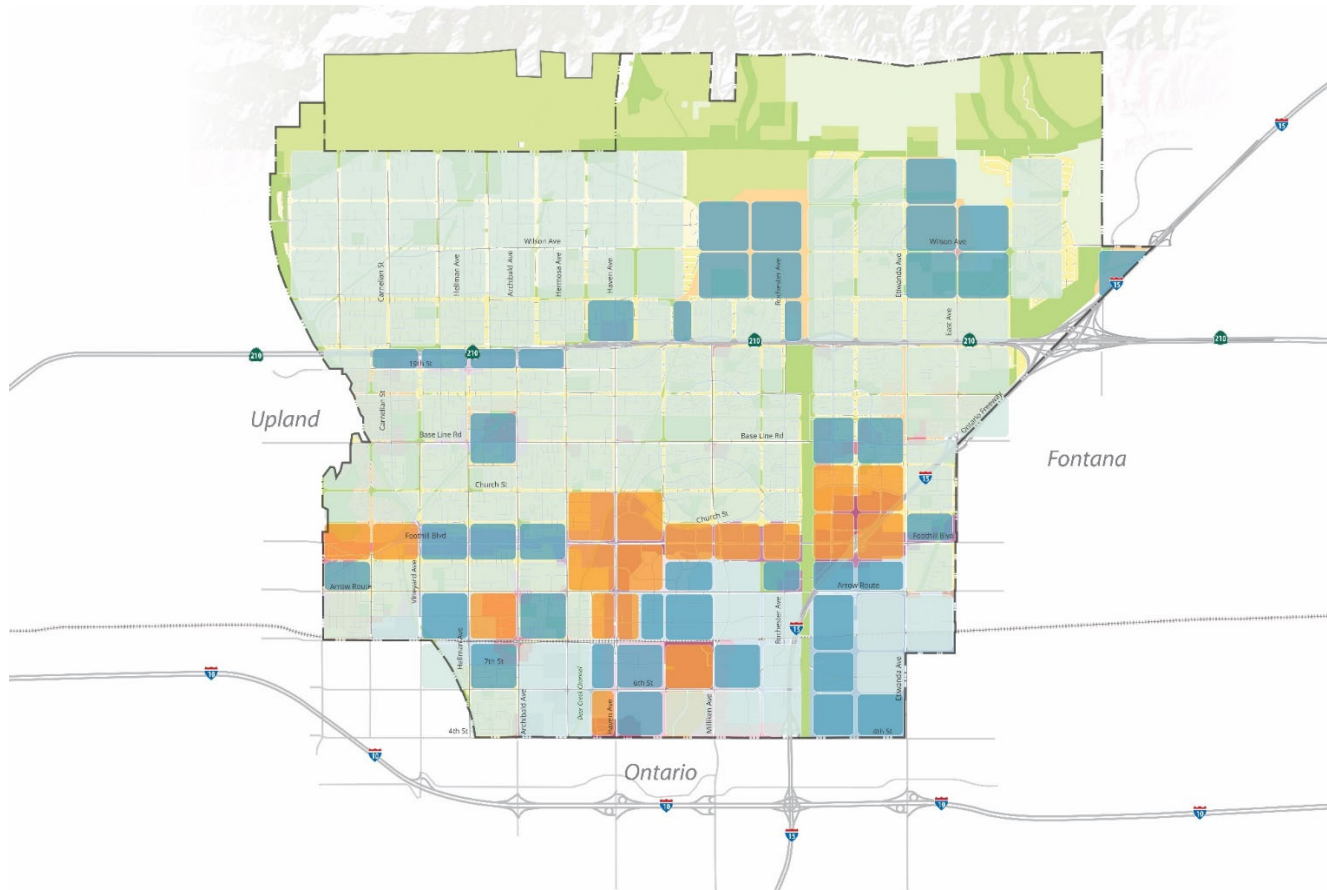


To accommodate the anticipated growth, the existing land use designations are proposed to be adjusted so that buildings in the focus areas can be higher, cover more area, and house more people. The expectation is that by grouping intense development in the Focus Areas, the existing neighborhoods would not be substantially changed.

Community design direction included in the General Plan requires that all new development connect to existing paths, trails, and roadways. Roadways are considered public realm and must be integrated into the design of the adjacent development. An important feature of all new development is that the street improvements be human scale and accommodate all modes of travel.

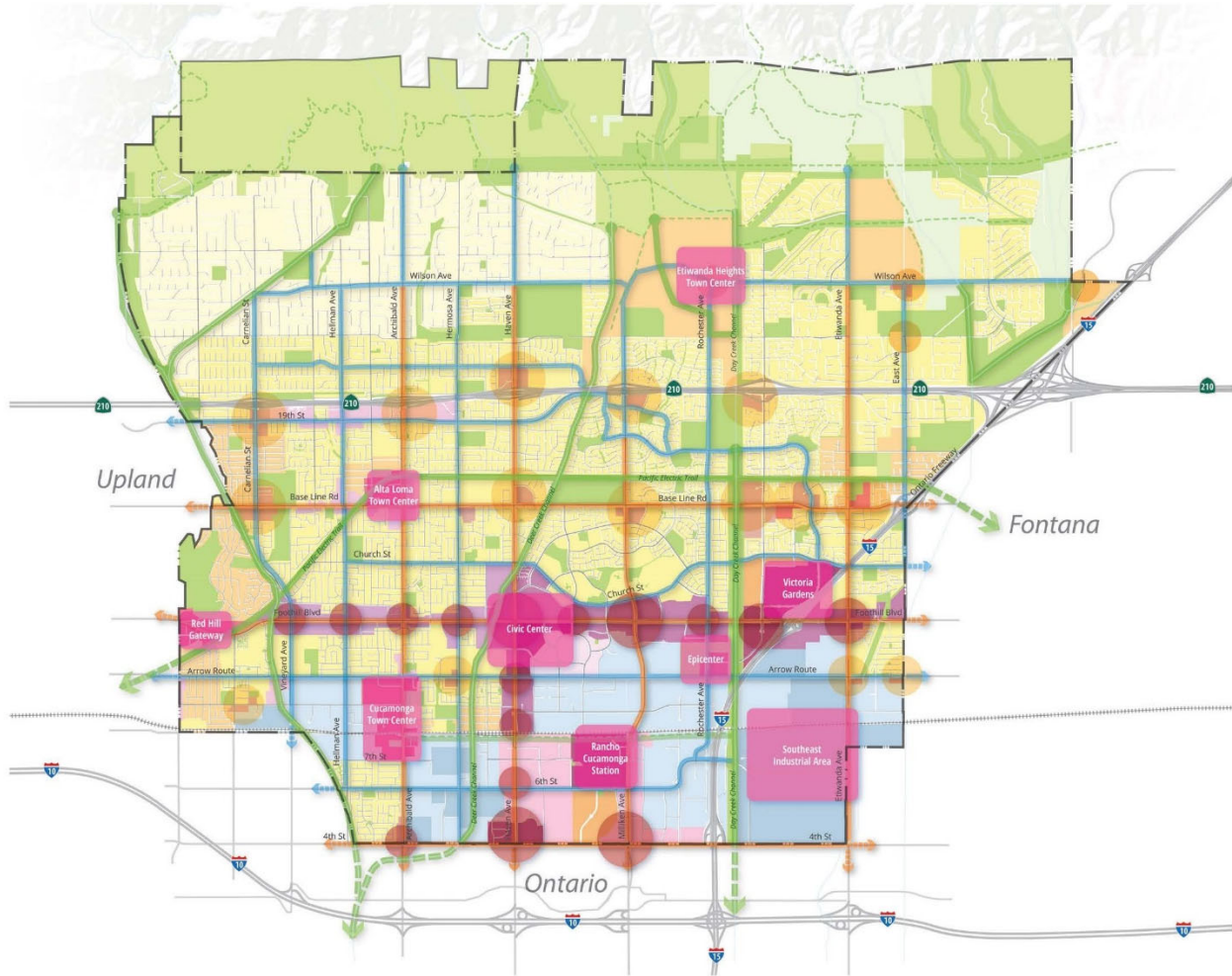
Equity is more than a core value; it is a common thread that runs throughout the General Plan. Policies in the plan recognize investment inequity that exists in the City now and provides a foundation to address the issue.

Figure 3, Degrees of Change



- Enhance (Limited Change).** Areas of the City where the general character, uses and activities of the area will remain the same but enhanced in limited ways. This includes but is not limited to enhancements to the public realm, the addition of a second story to a single-story home or the addition of community facilities or neighborhood-serving retail uses that are desired but currently absent.
- Improve (Moderate Change).** Areas of the City where change is desired and planned for over the time horizon of the General Plan and beyond. These areas are expected to see moderate development over time and the area may, after 15 to 20 years, look different than it does today, albeit consistent in character, use and intensity with the surrounding areas.
- Transform (Major Change).** Areas where the community wants to actively facilitate significant change in the short to middle term. These areas may look very different in a short period of time and are the areas where the City may prioritize staff and financial resources or actively encourage new private development and public improvements.

Figure 4, Focus Areas



NEIGHBORHOODS

- Semi-Rural Neighborhood
- Suburban Neighborhood
- Traditional Neighborhood
- Urban Neighborhood

CORRIDORS

- Neighborhood Corridor
- City Corridor - Moderate
- City Corridor - High

CENTERS

- Neighborhood Center
- Traditional Town Center
- City Center

DISTRICTS

- Office Employment District
- 21st Century Employment District
- Neo-Industrial Employment District
- Industrial Employment District

OPEN SPACES

- Natural Open Space
- Rural Open Space
- General Open Space & Facilities

COMMUNITY ACTIVITY NODES

- Neighborhood Activity Node
- Corridor Activity Node
- Focus Areas

MOBILITY CORRIDORS

- Transit Priority Street
- Bicycle Priority Street
- Trail Network

General Plan Areas

The General Plan identifies areas to guide vision-directed conservation and change, as appropriate, and express the development intention for each part of the City over the life of this General Plan. The areas, shown on Figure 5, include neighborhoods, corridors, centers, districts, and open space.

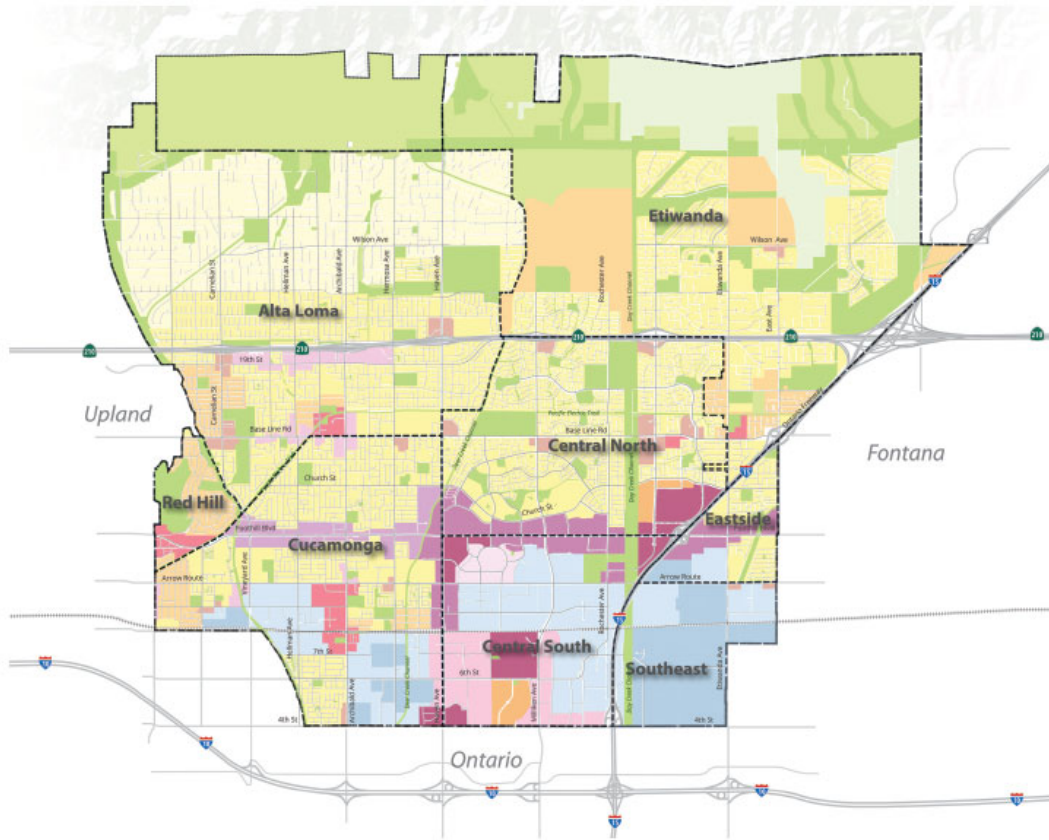
- **Neighborhoods** are predominantly residential and can include supporting amenities and services. Neighborhoods range from semi-rural neighborhoods, historic neighborhoods with stately tree rows, older neighborhoods interspersed with industrial business, and newer neighborhoods of single- and multi-family homes.
- **Corridors** are located along major streets in the City that connect neighborhoods, centers, districts, and open spaces. They are intended to provide smooth transitions between neighborhoods and districts, and provide a range of amenities, conveniences, transit access, and housing options on the edges of existing and future neighborhoods.
- **Centers** are places for shopping, dining, entertainment, and gathering as a community. They are nodes of activity throughout the City, providing retail and employment opportunities near neighborhoods, and in some cases also opportunities for new forms of housing.
- **Districts** are places where people work and conduct business. Districts are predominantly non-residential with a primary activity that is functionally specialized, such as a commercial, office, or industrial use, but can also include some supportive commercial and recreational uses and housing.
- **Open spaces** are places to play and learn, such as large recreational parks, natural conservation areas, and schools. Community playfields, Central Park and the conserved natural and rural open spaces of the foothills are large, specialized areas. Small- and medium-size parks provide places for informal play, family activities, and quiet recreation, and are considered part of the neighborhood they serve.

Each of the above are supported by goals and policies in the General Plan as well as narrative, tables, land use designations, and graphic illustrations of the expected development pattern.

CEQA Checklist

As part of the General Plan Update, the City intends to modify the Appendix G environmental checklist to eliminate questions that do not pertain to the City, or that can be addressed through standard conditions of approval. The modified checklist will be evaluated in the EIR along with thresholds of significance that will apply to future development. Any changes to the checklist and to the existing thresholds will be supported by substantial evidence and presented for public review. The modified checklist will be an appendix to the EIR.

Figure 5, Draft Land Use Map



NEIGHBORHOODS

- Semi-Rural Neighborhood
- Suburban Neighborhood
- Traditional Neighborhood
- Urban Neighborhood

CORRIDORS

- Neighborhood Corridor
- City Corridor - Moderate
- City Corridor - High

CENTERS

- Neighborhood Center
- Traditional Town Center
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DISTRICTS

- Office Employment District
- 21st Century Employment District
- Neo-Industrial Employment District
- Industrial Employment District

OPEN SPACES

- Natural Open Space
- Rural Open Space
- General Open Space & Facilities

TABLE LD-1 GENERAL PLAN DESIGNATIONS

General Plan Designation	Residential Density (DU/AC)	Assumed Population Density (Persons/AC)	Non-Residential Intensity (FAR)
NEIGHBORHOODS			
Semi-Rural Neighborhood	Max. 2	6	NA
Traditional Neighborhood	Max. 8	48	Max. 0.4
Suburban Neighborhood	Max. 30	90	NA
Urban Neighborhood	20 - 50	60 - 150	0.2 - 0.4
CORRIDORS			
Neighborhood Corridor	Max. 24	72	0.4 - 0.6
City Corridor - Moderate	24 - 42	72 - 126	0.4 - 1.0
City Corridor - High	36 - 60	108 - 180	0.6 - 1.5
CENTERS			
Neighborhood Center	Max. 24	72	0.2 - 0.4
Traditional Town Center	Max. 30	90	0.2 - 0.6
City Center	40 - 100	120 - 300	1.0 - 2.0
DISTRICTS			
Office Employment District	18 - 30	54 - 90	0.6 - 1.0
21st Century Employment District	24 - 42	72 - 126	0.4 - 1.0
Neo-Industrial Employment District	14 - 24	42 - 72	0.4 - 0.6
Industrial Employment District	NA	NA	0.4 - 0.6
OPEN SPACES			
Natural Open Space	NA	0	NA
Rural Open Space	Max 2	1.6	NA
General Open Space & Facilities	Max. NA	0.3	NA

ENVIRONMENTAL IMPACT REPORT

As all the CEQA topics will be included in the EIR, the City has not prepared an Initial Study as permitted in Section 15060(d) of the CEQA Guidelines.

Probable Environmental Effects: The City has determined that the implementation of the General Plan Update may have a significant effect on the environment. The EIR will evaluate the potential for the General Plan Update to cause direct and indirect growth-inducing impacts, as well as cumulative impacts. Mitigation will be proposed for those impacts that are determined to be significant. Mitigation will be identified, and a mitigation monitoring and reporting program will be developed as required by the CEQA Guidelines (Section 15150). The EIR will evaluate the following topics:

- **Aesthetics:** The City anticipates that the implementation of the General Plan Update would have less than significant impacts on Aesthetics in the following areas: scenic highways, light, and glare impacts. Although the overall effect of the General Plan Update would be to improve the aesthetic quality of the City, these efforts must be balanced with the City's ongoing need for economic development as well as the safety and security of its residents.
- **Agricultural Resources:** The City anticipates that the implementation of the General Plan Update would have less than significant impacts on agricultural resources in the following areas: agricultural zoning, forest land conversion, and conversion of agricultural land under Williamson Act contract.
- **Air Quality:** Construction and operation of land uses accommodated under the General Plan Update could result in air pollutant emissions. Ground disturbance during site development activities will generate dust and construction equipment will create short-term pollutant emissions. Development accommodated under the General Plan Update could result in additional vehicular traffic that would generate air pollution, exacerbated by the City's location in a climate with high winds present, and proximity to high-traffic corridors. The General Plan Update will incorporate policies addressing sources of air pollution.
- **Biological Resources:** The General Plan Update will include policies and action items needed to ensure compliance with that habitat conservation plans. Development accommodated under the General Plan Update may have an adverse effect on rare, threatened, or endangered species and/or the habitat that supports them, which could impact potential development outcomes. In addition, such development could potentially affect existing wildlife corridors. The General Plan Update could affect riparian habitat and/or wetlands.
- **Cultural and Tribal Cultural Resources:** Development accommodated under the General Plan Update may have an adverse effect on historic, archaeological, and/or paleontological resources. There is the potential for construction-related effects on historical and archaeological resources. In addition, many areas of the City have not been surveyed for cultural resources or have surveys that are out of date.

- **Geological Resources:** Development accommodated under the General Plan Update may result in soil erosion or the loss of topsoil and/or allow development in areas with geologic or soils constraints. There could be potential effects associated with geologic or soil limitations. There could be impacts associated with grading, such as increased wind and water erosion potential. Impacts may involve disruptions of the soil, changes in topography, erosion from wind or water, and other impacts, as well as a potential impact of development on significant mineral resources.
- **Greenhouse Gas:** While a goal of the General Plan Update is to help further the reduction in greenhouse gas production from existing operations and future development, it is likely that future development may contribute to cumulative increases in greenhouse gases. The analysis will assume a buildout figure for the existing land use pattern and use traffic data from the impact analysis in the EIR to determine the potential GHG emissions. The EIR will include methods of reducing greenhouse gases, while the General Plan Update will include associated action items, such as strategies to increase the intensity and mix of land uses, which could encourage people to walk or bike for short trips, thereby reducing greenhouse gas emissions in the City.
- **Hazards:** Development accommodated under the General Plan Update could have public and environmental health effects related to hazardous material exposure either during construction or during long-term occupation. Portions of the City are also located in areas exposed to fire hazards, which are exacerbated due to ongoing drought conditions.
- **Hydrology and Water Quality:** Development accommodated under the General Plan Update may affect groundwater supplies, could change drainage patterns, and/or could have the potential to contribute polluted stormwater runoff. There could be impacts related to urban runoff and flooding potential, as well as to water quality. There is also the threat of ongoing drought conditions leading to a decrease in annual rainfall in the coming years. The limited supply of water in the City could also negatively affect future development.
- **Land Use:** As discussed above, this General Plan Update affords the City an opportunity to increase the density and mix of land uses for the purposes of decreasing dependence on the automobile.
- **Noise:** Increases in traffic because of future development accommodated under the General Plan Update may result in an increase in ambient and transportation noise, although efforts would be made to incorporate high-density mixed-use development into the General Plan Update to minimize any increases in transportation noise.
- **Public Services and Utilities:** Additional growth generated by the development accommodated under the General Plan Update will increase demand on the City's services and utilities. The EIR will evaluate the availability and capacity of the systems to provide for the increase in growth.

- **Recreation:** The City's provision of public park space is below the established park standard of 5.0 acres for every 1,000 persons. Potential options for increasing recreational space in the City include working to increase access to alternative recreation spaces, amending established goals and standards in this General Plan Update, or the construction of additional public recreational space.
- **Transportation:** Future development may result in impacts on area roadways, including roadways outside of the City's jurisdiction. The City will use traffic information and provide a summary buildout analysis based on the existing General Plan land use designations. The General Plan Update would also include strategies to increase employment opportunities within the City to minimize vehicle trips to other areas by commuters.
- **Wildfire:** Portions of the City are subject to an increase in fire hazards due to ongoing drought conditions. The General Plan Update EIR will include a discussion of potential environmental impacts, and the proposed policy or Implementation Strategy that would address the impact. Also included will be a discussion of alternatives that could reduce or eliminate an identified impact. If the environmental analysis identifies appropriate mitigation measures, they will be included as policies in the General Plan, or as action items in the Implementation Strategy.

Type of EIR

The City will prepare a program EIR pursuant to Section 15168 of the CEQA Guidelines. Use of a program EIR allows analysis consistent with the high-level nature of the General Plan. The General Plan Update EIR will serve as a cumulative impact analysis for implementation of the General Plan Update.

Use of the General Plan Update EIR

Later projects implemented after the General Plan Update will be examined considering the General Plan Update EIR to determine whether an additional environmental document must be prepared. In addition, the CEQA Guidelines currently provide for streamlining through Section 15183 (Projects Consistent with a Community Plan or Zoning), Section 15183.3 (Streamlining for Infill Projects), and 15183.5 (Tiering and Streamlining the Analysis of Greenhouse Gas Emissions). The City intends to promote streamlining for future development through certification of the General Plan Update EIR. Later development may have to conduct site-specific environmental analysis; however, the cumulative analysis will be addressed in the General Plan Update EIR and proposed General Plan policies and Implementation Strategy.

PUBLIC SCOPING MEETING

A public scoping meeting will be conducted to provide the public with the opportunity to learn more about the General Plan Update and to provide an opportunity for discussion of the environmental issues important to the community. The scoping meeting will include a presentation of the proposed General Plan Update and a summary of the environmental issues to be analyzed in the General Plan Update EIR.

Following the presentation, interested agencies, organizations, and members of the public will be encouraged to present views concerning the environmental issues that should be included in the EIR. The oral and written comments provided during the meeting will assist the City in scoping the potential environmental effects of the General Plan Update to be addressed by the EIR. The City also invites written comments.

The scoping meeting will be held at the following time on zoom:

6:00 PM Tuesday, May 18, 2021

<https://zoom.us/j/92520395576>

If you have further questions or require additional information, please contact Jennifer Nakamura at 909-774-4324, or email at Jennifer.Nakamura@CityofRC.US.

Signature:

Jennifer Nakamura
Management Analyst II
City of Rancho Cucamonga

P: (626) 381-9248
F: (626) 389-5414
E: info@mitschtsailaw.com



Mitchell M. Tsai
Attorney At Law

155 South El Molino Avenue
Suite 104
Pasadena, California 91101

VIA E-MAIL

June 8, 2021

Jennifer Nakamura
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, California 91730
Em: jennifer.nakamura@cityofrc.us

RE: Rancho Cucamonga General Plan Update 2020

Dear Ms. Nakamura,

On behalf of the Southwest Regional Council of Carpenters (“**Commenter**” or “**Carpenter**”), my Office is submitting these comments on the City of Rancho Cucamonga’s (“**City**” or “**Lead Agency**”) for the Rancho Cucamonga General Plan Update 2020 (“**Project**”).

The Southwest Carpenters is a labor union representing 50,000 union carpenters in six states and has a strong interest in well ordered land use planning and addressing the environmental impacts of development projects.

Individual members of the Southwest Carpenters live, work and recreate in the City and surrounding communities and would be directly affected by the Project’s environmental impacts.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters expressly reserves the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. Cal. Gov. Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens*

for Local Control v. Bakersfield (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

Commenters incorporates by reference all comments raising issues regarding the EIR submitted prior to certification of the EIR for the Project. *Citizens for Clean Energy v City of Woodland* (2014) 225 Cal. App. 4th 173, 191 (finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties).

Moreover, Commenter requests that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act (“**CEQA**”), Cal Public Resources Code (“**PRC**”) § 21000 *et seq*, and the California Planning and Zoning Law (“**Planning and Zoning Law**”), Cal. Gov’t Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency’s governing body.

The City should require the use of a local skilled and trained workforce to benefit the community’s economic development and environment. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of

construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

. . . labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Local skilled and trained workforce requirements and policies have significant environmental benefits since they improve an area’s jobs-housing balance, decreasing the amount of and length of job commutes and their associated greenhouse gas emissions. Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.²

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>

help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its Downtown area to requiring that the City “c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”⁴ In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”⁵

Locating jobs closer to residential areas can have significant environmental benefits. . . As the California Planning Roundtable noted in 2008:

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.⁶

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.⁷ Some municipalities have tied local hire and skilled and

³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

⁴ City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

⁵ City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

⁶ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cprroundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>

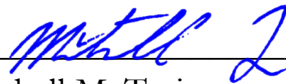
⁷ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing.” The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

Sincerely,



Mitchell M. Tsai

Attorneys for Southwest Regional
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (Exhibit A);

Air Quality and GHG Expert Paul Rosenfeld CV (Exhibit B); and

Air Quality and GHG Expert Matt Hagemann CV (Exhibit C).

EXHIBIT A



Technical Consultation, Data Analysis and
Litigation Support for the Environment

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mhagemann@swape.com

Paul E. Rosenfeld, PhD
(310) 795-2335
prosenfeld@swape.com

March 8, 2021

Mitchell M. Tsai
155 South El Molino, Suite 104
Pasadena, CA 91101

Subject: Local Hire Requirements and Considerations for Greenhouse Gas Modeling

Dear Mr. Tsai,

Soil Water Air Protection Enterprise (“SWAPE”) is pleased to provide the following draft technical report explaining the significance of worker trips required for construction of land use development projects with respect to the estimation of greenhouse gas (“GHG”) emissions. The report will also discuss the potential for local hire requirements to reduce the length of worker trips, and consequently, reduced or mitigate the potential GHG impacts.

Worker Trips and Greenhouse Gas Calculations

The California Emissions Estimator Model (“CalEEMod”) is a “statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects.”¹ CalEEMod quantifies construction-related emissions associated with land use projects resulting from off-road construction equipment; on-road mobile equipment associated with workers, vendors, and hauling; fugitive dust associated with grading, demolition, truck loading, and on-road vehicles traveling along paved and unpaved roads; and architectural coating activities; and paving.²

The number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.³

¹ “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

² “California Emissions Estimator Model.” CAPCOA, 2017, available at: <http://www.aqmd.gov/caleemod/home>.

³ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

Specifically, the number and length of vehicle trips is utilized to estimate the vehicle miles travelled (“VMT”) associated with construction. Then, utilizing vehicle-class specific EMFAC 2014 emission factors, CalEEMod calculates the vehicle exhaust, evaporative, and dust emissions resulting from construction-related VMT, including personal vehicles for worker commuting.⁴

Specifically, in order to calculate VMT, CalEEMod multiplies the average daily trip rate by the average overall trip length (see excerpt below):

$$\text{“VMT}_d = \Sigma(\text{Average Daily Trip Rate}_i * \text{Average Overall Trip Length}_i)_n$$

Where:

n = Number of land uses being modeled.”⁵

Furthermore, to calculate the on-road emissions associated with worker trips, CalEEMod utilizes the following equation (see excerpt below):

$$\text{“Emissions}_{\text{pollutant}} = \text{VMT} * \text{EF}_{\text{running,pollutant}}$$

Where:

$\text{Emissions}_{\text{pollutant}}$ = emissions from vehicle running for each pollutant

VMT = vehicle miles traveled

$\text{EF}_{\text{running,pollutant}}$ = emission factor for running emissions.”⁶

Thus, there is a direct relationship between trip length and VMT, as well as a direct relationship between VMT and vehicle running emissions. In other words, when the trip length is increased, the VMT and vehicle running emissions increase as a result. Thus, vehicle running emissions can be reduced by decreasing the average overall trip length, by way of a local hire requirement or otherwise.

Default Worker Trip Parameters and Potential Local Hire Requirements

As previously discussed, the number, length, and vehicle class of worker trips are utilized by CalEEMod to calculate emissions associated with the on-road vehicle trips required to transport workers to and from the Project site during construction.⁷ In order to understand how local hire requirements and associated worker trip length reductions impact GHG emissions calculations, it is important to consider the CalEEMod default worker trip parameters. CalEEMod provides recommended default values based on site-specific information, such as land use type, meteorological data, total lot acreage, project type and typical equipment associated with project type. If more specific project information is known, the user can change the default values and input project-specific values, but the California Environmental Quality Act (“CEQA”) requires that such changes be justified by substantial evidence.⁸ The default number of construction-related worker trips is calculated by multiplying the

⁴ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14-15.

⁵ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 23.

⁶ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

⁷ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

⁸ CalEEMod User Guide, available at: <http://www.caleemod.com/>, p. 1, 9.

number of pieces of equipment for all phases by 1.25, with the exception of worker trips required for the building construction and architectural coating phases.⁹ Furthermore, the worker trip vehicle class is a 50/25/25 percent mix of light duty autos, light duty truck class 1 and light duty truck class 2, respectively.”¹⁰ Finally, the default worker trip length is consistent with the length of the operational home-to-work vehicle trips.¹¹ The operational home-to-work vehicle trip lengths are:

“[B]ased on the *location* and *urbanization* selected on the project characteristic screen. These values were *supplied by the air districts or use a default average for the state*. Each district (or county) also assigns trip lengths for urban and rural settings” (emphasis added).¹²

Thus, the default worker trip length is based on the location and urbanization level selected by the User when modeling emissions. The below table shows the CalEEMod default rural and urban worker trip lengths by air basin (see excerpt below and Attachment A).¹³

Worker Trip Length by Air Basin		
Air Basin	Rural (miles)	Urban (miles)
Great Basin Valleys	16.8	10.8
Lake County	16.8	10.8
Lake Tahoe	16.8	10.8
Mojave Desert	16.8	10.8
Mountain Counties	16.8	10.8
North Central Coast	17.1	12.3
North Coast	16.8	10.8
Northeast Plateau	16.8	10.8
Sacramento Valley	16.8	10.8
Salton Sea	14.6	11
San Diego	16.8	10.8
San Francisco Bay Area	10.8	10.8
San Joaquin Valley	16.8	10.8
South Central Coast	16.8	10.8
South Coast	19.8	14.7
Average	16.47	11.17
Minimum	10.80	10.80
Maximum	19.80	14.70
Range	9.00	3.90

⁹ “CalEEMod User’s Guide.” CAPCOA, November 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/01_user-39-s-guide2016-3-2_15november2017.pdf?sfvrsn=4, p. 34.

¹⁰ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 15.

¹¹ “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 14.

¹² “Appendix A Calculation Details for CalEEMod.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/02_appendix-a2016-3-2.pdf?sfvrsn=6, p. 21.

¹³ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-84 – D-86.

As demonstrated above, default rural worker trip lengths for air basins in California vary from 10.8- to 19.8- miles, with an average of 16.47 miles. Furthermore, default urban worker trip lengths vary from 10.8- to 14.7- miles, with an average of 11.17 miles. Thus, while default worker trip lengths vary by location, default urban worker trip lengths tend to be shorter in length. Based on these trends evident in the CalEEMod default worker trip lengths, we can reasonably assume that the efficacy of a local hire requirement is especially dependent upon the urbanization of the project site, as well as the project location.

Practical Application of a Local Hire Requirement and Associated Impact

To provide an example of the potential impact of a local hire provision on construction-related GHG emissions, we estimated the significance of a local hire provision for the Village South Specific Plan (“Project”) located in the City of Claremont (“City”). The Project proposed to construct 1,000 residential units, 100,000-SF of retail space, 45,000-SF of office space, as well as a 50-room hotel, on the 24-acre site. The Project location is classified as Urban and lies within the Los Angeles-South Coast County. As a result, the Project has a default worker trip length of 14.7 miles.¹⁴ In an effort to evaluate the potential for a local hire provision to reduce the Project’s construction-related GHG emissions, we prepared an updated model, reducing all worker trip lengths to 10 miles (see Attachment B). Our analysis estimates that if a local hire provision with a 10-mile radius were to be implemented, the GHG emissions associated with Project construction would decrease by approximately 17% (see table below and Attachment C).

Local Hire Provision Net Change	
Without Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,623
Amortized Construction GHG Emissions (MT CO ₂ e/year)	120.77
With Local Hire Provision	
Total Construction GHG Emissions (MT CO ₂ e)	3,024
Amortized Construction GHG Emissions (MT CO ₂ e/year)	100.80
% Decrease in Construction-related GHG Emissions	17%

As demonstrated above, by implementing a local hire provision requiring 10 mile worker trip lengths, the Project could reduce potential GHG emissions associated with construction worker trips. More broadly, any local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

This serves as an example of the potential impacts of local hire requirements on estimated project-level GHG emissions, though it does not indicate that local hire requirements would result in reduced construction-related GHG emission for all projects. As previously described, the significance of a local hire requirement depends on the worker trip length enforced and the default worker trip length for the project’s urbanization level and location.

¹⁴ “Appendix D Default Data Tables.” CAPCOA, October 2017, available at: http://www.aqmd.gov/docs/default-source/caleemod/05_appendix-d2016-3-2.pdf?sfvrsn=4, p. D-85.

Disclaimer

SWAPE has received limited discovery. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

Sincerely,

A handwritten signature in blue ink that reads "Matt Hagemann".

Matt Hagemann, P.G., C.Hg.

A handwritten signature in blue ink that reads "Paul E. Rosenfeld".

Paul E. Rosenfeld, Ph.D.

EXHIBIT B



Paul Rosenfeld, Ph.D.

Principal Environmental Chemist

Chemical Fate and Transport & Air Dispersion Modeling

Risk Assessment & Remediation Specialist

Education

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Thesis on wastewater treatment.

Professional Experience

Dr. Rosenfeld has over 25 years' experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from unconventional oil drilling operations, oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, and many other industrial and agricultural sources. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at dozens of sites and has testified as an expert witness on more than ten cases involving exposure to air contaminants from industrial sources.

Professional History:

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)
UCLA School of Public Health; 2003 to 2006; Adjunct Professor
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator
UCLA Institute of the Environment, 2001-2002; Research Associate
Komex H₂O Science, 2001 to 2003; Senior Remediation Scientist
National Groundwater Association, 2002-2004; Lecturer
San Diego State University, 1999-2001; Adjunct Professor
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor
King County, Seattle, 1996 – 1999; Scientist
James River Corp., Washington, 1995-96; Scientist
Big Creek Lumber, Davenport, California, 1995; Scientist
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

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Rosenfeld, P.E. (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

Rosenfeld, P.E. (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

Rosenfeld, P.E., C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

Rosenfeld, P.E., C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

Rosenfeld, P.E., C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

Teaching Experience:

UCLA Department of Environmental Health (Summer 2003 through 20010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

Academic Grants Awarded:

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

Deposition and/or Trial Testimony:

- In the United States District Court For The District of New Jersey
Duarte et al, *Plaintiffs*, vs. United States Metals Refining Company et. al. *Defendant*.
Case No.: 2:17-cv-01624-ES-SCM
Rosenfeld Deposition. 6-7-2019
- In the United States District Court of Southern District of Texas Galveston Division
M/T Carla Maersk, *Plaintiffs*, vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido”
Defendant.
Case No.: 3:15-CV-00106 consolidated with 3:15-CV-00237
Rosenfeld Deposition. 5-9-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants
Case No.: No. BC615636
Rosenfeld Deposition, 1-26-2019
- In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants
Case No.: No. BC646857
Rosenfeld Deposition, 10-6-2018; Trial 3-7-19
- In United States District Court For The District of Colorado
Bells et al. Plaintiff vs. The 3M Company et al., Defendants
Case: No 1:16-cv-02531-RBJ
Rosenfeld Deposition, 3-15-2018 and 4-3-2018
- In The District Court Of Regan County, Texas, 112th Judicial District
Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants
Cause No 1923
Rosenfeld Deposition, 11-17-2017
- In The Superior Court of the State of California In And For The County Of Contra Costa
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants
Cause No C12-01481
Rosenfeld Deposition, 11-20-2017
- In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants
Case No.: No. 0i9-L-2295
Rosenfeld Deposition, 8-23-2017
- In The Superior Court of the State of California, For The County of Los Angeles
Warrn Gilbert and Penny Gilber, Plaintiff vs. BMW of North America LLC
Case No.: LC102019 (c/w BC582154)
Rosenfeld Deposition, 8-16-2017, Trail 8-28-2018
- In the Northern District Court of Mississippi, Greenville Division
Brenda J. Cooper, et al., *Plaintiffs*, vs. Meritor Inc., et al., *Defendants*
Case Number: 4:16-cv-52-DMB-JVM
Rosenfeld Deposition: July 2017

In The Superior Court of the State of Washington, County of Snohomish
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants
Case No.: No. 13-2-03987-5
Rosenfeld Deposition, February 2017
Trial, March 2017

In The Superior Court of the State of California, County of Alameda
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants
Case No.: RG14711115
Rosenfeld Deposition, September 2015

In The Iowa District Court In And For Poweshiek County
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants
Case No.: LALA002187
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Jerry Dovico, et al., Plaintiffs vs. Valley View Sine LLC, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Iowa District Court For Wapello County
Doug Pauls, et al., et al., Plaintiffs vs. Richard Warren, et al., Defendants
Law No.: LALA105144 - Division A
Rosenfeld Deposition, August 2015

In The Circuit Court of Ohio County, West Virginia
Robert Andrews, et al. v. Antero, et al.
Civil Action NO. 14-C-30000
Rosenfeld Deposition, June 2015

In The Third Judicial District County of Dona Ana, New Mexico
Betty Gonzalez, et al. Plaintiffs vs. Del Oro Dairy, Del Oro Real Estate LLC, Jerry Settles and Deward
DeRuyter, Defendants
Rosenfeld Deposition: July 2015

In The Iowa District Court For Muscatine County
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant
Case No 4980
Rosenfeld Deposition: May 2015

In the Circuit Court of the 17th Judicial Circuit, in and For Broward County, Florida
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.
Case Number CACE07030358 (26)
Rosenfeld Deposition: December 2014

In the United States District Court Western District of Oklahoma
Tommy McCarty, et al., Plaintiffs, v. Oklahoma City Landfill, LLC d/b/a Southeast Oklahoma City
Landfill, et al. Defendants.
Case No. 5:12-cv-01152-C
Rosenfeld Deposition: July 2014

In the County Court of Dallas County Texas
Lisa Parr et al, *Plaintiff*, vs. Aruba et al, *Defendant*.
Case Number cc-11-01650-E
Rosenfeld Deposition: March and September 2013
Rosenfeld Trial: April 2014

In the Court of Common Pleas of Tuscarawas County Ohio
John Michael Abicht, et al., *Plaintiffs*, vs. Republic Services, Inc., et al., *Defendants*
Case Number: 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)
Rosenfeld Deposition: October 2012

In the United States District Court of Southern District of Texas Galveston Division
Kyle Cannon, Eugene Donovan, Genaro Ramirez, Carol Sassler, and Harvey Walton, each Individually and on behalf of those similarly situated, *Plaintiffs*, vs. BP Products North America, Inc., *Defendant*.
Case 3:10-cv-00622
Rosenfeld Deposition: February 2012
Rosenfeld Trial: April 2013

In the Circuit Court of Baltimore County Maryland
Philip E. Cvach, II et al., *Plaintiffs* vs. Two Farms, Inc. d/b/a Royal Farms, Defendants
Case Number: 03-C-12-012487 OT
Rosenfeld Deposition: September 2013

EXHIBIT C



1640 5th St., Suite 204 Santa
Santa Monica, California 90401
Tel: (949) 887-9013
Email: mhagemann@swape.com

Matthew F. Hagemann, P.G., C.Hg., QSD, QSP

**Geologic and Hydrogeologic Characterization
Industrial Stormwater Compliance
Investigation and Remediation Strategies
Litigation Support and Testifying Expert
CEQA Review**

Education:

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

Professional Certifications:

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

Professional Experience:

Matt has 25 years of experience in environmental policy, assessment and remediation. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) while also working with permit holders to improve hydrogeologic characterization and water quality monitoring.

Matt has worked closely with U.S. EPA legal counsel and the technical staff of several states in the application and enforcement of RCRA, Safe Drinking Water Act and Clean Water Act regulations. Matt has trained the technical staff in the States of California, Hawaii, Nevada, Arizona and the Territory of Guam in the conduct of investigations, groundwater fundamentals, and sampling techniques.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

Senior Regulatory and Litigation Support Analyst:

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 100 environmental impact reports since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, Valley Fever, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at industrial facilities.
- Manager of a project to provide technical assistance to a community adjacent to a former Naval shipyard under a grant from the U.S. EPA.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.
- Expert witness on two cases involving MTBE litigation.
- Expert witness and litigation support on the impact of air toxins and hazards at a school.
- Expert witness in litigation at a former plywood plant.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.

- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

Executive Director:

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

Hydrogeology:

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nation-wide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

Policy:

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9. Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific principles into the policy-making process.
- Established national protocol for the peer review of scientific documents.

Geology:

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

Teaching:

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt taught physical geology (lecture and lab and introductory geology at Golden West College in Huntington Beach, California from 2010 to 2014.

Invited Testimony, Reports, Papers and Presentations:

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

Hagemann, M.F., 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

Hagemann, M.F., 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

Hagemann, M.F., 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

Hagemann, M.F., 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

Hagemann, M.F., 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

Hagemann, M.F., 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

Hagemann, M.F., 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

Hagemann, M.F., 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

Hagemann, M.F., 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

Hagemann, M.F., 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

Hagemann, M.F., 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

Hagemann, M.F., 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

Hagemann, M.F., 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

Hagemann, M.F., 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

Hagemann, M.F., and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

Hagemann, M.F., 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

Hagemann, M.F., 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

Hagemann, M.F., and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

Hagemann, M.F., Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

Hagemann, M. F., Fukanaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

Hagemann, M.F., 1994. Groundwater Characterization and Cleanup at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

Hagemann, M.F. and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

Hagemann, M.F., 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

Hagemann, M.F., 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

Other Experience:

Selected as subject matter expert for the California Professional Geologist licensing examination, 2009-2011.

CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE

“Bringing People Together to Improve Our Social and Natural Environment”

June 11, 2021

Jennifer Nakamura
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Submitted via email

Re: Rancho Cucamonga General Plan Update 2020 NOP (SCH #2021050261)

Dear Jennifer,

I am writing this letter on behalf of the Center for Community Action and Environmental Justice (CCA EJ) in response to the Notice of Preparation (SCH #2021050261). Upon review of the information provided with the NOP, we have a few items and questions which we would like to see addressed as part of the EIR process. Unfortunately, our capacity is limited and we were not able to be heavily involved with the City’s General Plan Update process. Nevertheless, we want to ensure that EJ concerns are adequately addressed as part of the EIR.

Per CalEnviroScreen, there are four census tracts located in Rancho Cucamonga—6071002101 (76), 6071002105 (80), 6071002107 (80), and 6071002110 (81)—which are in the top 25% of most-impacted tracts statewide, positioning them as EJ communities of concern. Additionally, tract 6071002103 is at the 72nd percentile, just below the cutoff for the top-25% and is surrounded on three sides by one of the aforementioned top-25 tracts. These tracts are all clustered in the south and southwestern portions of the city in an area bounded by Foothill Blvd. on the north, Fourth Street and Eighth Street on the South, I-15 and Rochester Ave. on the east, and Baker Ave. and Archibald Ave. on the west.

When comparing the CalEnviroScreen map to Figure 4, *Focus Areas* and Figure 5, *Draft Land Use Map* from the NOP document, we observe that all of the land zoned for industrial uses is located within these same census tracts. On the other hand, census tracts outside of the top-25 (including many in the bottom 25) in more northern parts of the city are spared the burden of industrial facilities in their communities. While we are aware that many of the areas being zoned for (light) industrial uses are already developed for that purpose and thus largely represents a continuation of that for them, that really underscores the need for including thorough study of how these communities would be not just impacted, but bettered by the updated General Plan.

While Environmental Justice is itself not a CEQA topic, EJ is a concern that is directly related to many of the topics which do exist. These included Air Quality, Greenhouse Gas, Hazards, Hydrology and Water Quality, Land Use, Noise, Public Services and Utilities, Recreation, Transportation, and Wildfire. We are looking to ensure that the EIR process identifies how the impacts in those various areas will be mitigated, with particular attention going to ensure that those which would still be considered significant even with mitigation are not disproportionately located in the EJ communities identified above and that mitigation measures do not pass them over.

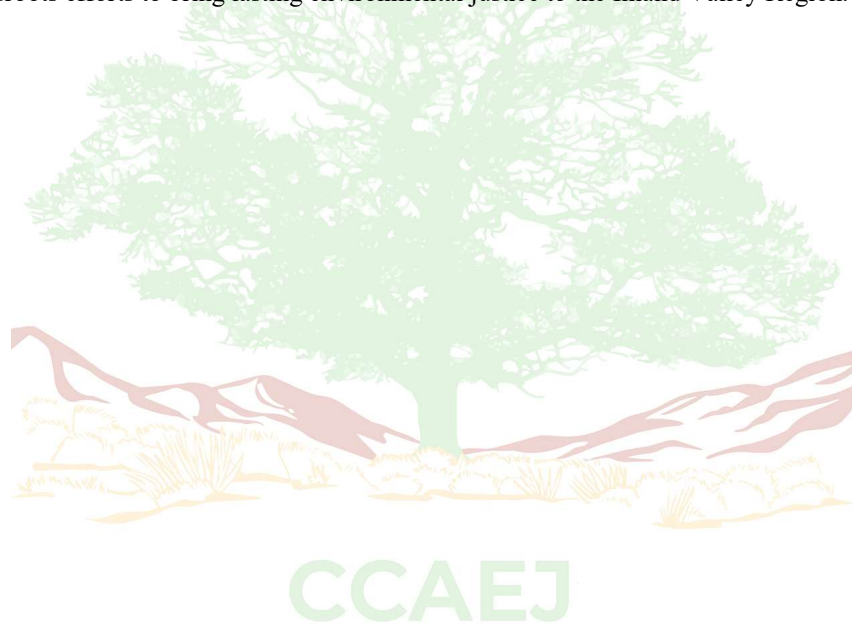
As the region continues to see an increase in logistics centers and warehouses such as would continue to be concentrated in the existing EJ communities in the city, it is important to ensure that they are provided relief from the burden which they continue to await. We thank you for the opportunity to offer these comments in support of EJ communities in Rancho Cucamonga to have their concerns addressed as part of the EIR process.

Sincerely,

Alma Marquez

Alma Marquez
Executive Director

CCA EJ is a long-standing community based organization with over 40 years of experience advocating for stronger regulations through strategic campaigns and building a base of community power. Most notably, CCA EJ's founder Penny Newman won a landmark federal case against Stringfellow Construction which resulted in the 'Stringfellow Acid Pits' being declared one of the first Superfund sites in the nation. **CCA EJ** prioritizes community voices as we continue our grassroots efforts to bring lasting environmental justice to the Inland Valley Region.





State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



June 11, 2021
Sent via email

Ms. Jennifer Nakamura
Management Analyst II
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Notice of Preparation of a Draft Environmental Impact Report
Rancho Cucamonga General Plan Update 2020 Project
State Clearinghouse No. 2021050261

Dear Ms. Nakamura:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) from the City of Rancho Cucamonga (City) for the Rancho Cucamonga General Plan Update 2020 Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

The proposed Project includes a general plan update to the City of Rancho Cucamonga's General Plan (Plan). The City of Rancho Cucamonga's Plan area and Sphere of Influence is in southwestern San Bernardino County, California, at the foothills of the San Gabriel Mountains and Angeles National Forest. Interstate 15 (I-15) bisects the eastern portion of the City and State Route 210 (SR-210) runs through the center of the City. The Plan will provide the long-term planning blueprint for improvements needed to house the City's population over the next 20 years. The Plan includes comprehensive updates to: (1) Land Use and Community Development; (2) Focus Areas; (3) Open Space; (4) Mobility and Access; (5) Housing; (6) Public Facilities and Services; (7) Resource Conservation; (8) Safety; and (9) Noise.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

CDFW recognizes that the general plan EIR need not be as detailed as CEQA documents prepared for specific projects that may follow (CEQA Guidelines § 15146). CDFW also recognizes that the level of detail should be reflective of the level contained in the plan or plan element being considered (*Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351). However, please note that the City cannot defer the analysis of significant effects of the general plan to later-tiered CEQA documents (*Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182).

CDFW recommends that the forthcoming DEIR address the following:

Assessment of Biological Resources

Section 15125(c) of the CEQA Guidelines states that knowledge of the regional setting of a project is critical to the assessment of environmental impacts and that special

emphasis should be placed on environmental resources that are rare or unique to the region. To enable CDFW staff to adequately review and comment on the project, the DEIR should include a complete assessment of the flora and fauna within and adjacent to the Project footprint, with particular emphasis on identifying rare, threatened, endangered, and other sensitive species and their associated habitats.

The CDFW recommends that the DEIR specifically include:

1. An assessment of the various habitat types located within the project footprint, and a map that identifies the location of each habitat type. CDFW recommends that floristic, alliance- and/or association based mapping and assessment be completed following *The Manual of California Vegetation*, second edition (Sawyer et al. 2009). Adjoining habitat areas should also be included in this assessment where site activities could lead to direct or indirect impacts offsite. Habitat mapping at the alliance level will help establish baseline vegetation conditions.
2. A general biological inventory of the fish, amphibian, reptile, bird, and mammal species that are present or have the potential to be present within each habitat type onsite and within adjacent areas that could be affected by the project. CDFW's California Natural Diversity Database (CNDDDB) in Sacramento should be contacted at (916) 322-2493 or CNDDDB@wildlife.ca.gov to obtain current information on any previously reported sensitive species and habitat, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code, in the vicinity of the proposed Project.

Please note that CDFW's CNDDDB is not exhaustive in terms of the data it houses, nor is it an absence database. CDFW recommends that it be used as a starting point in gathering information about the *potential presence* of species within the general area of the project site.

3. A complete, *recent* inventory of rare, threatened, endangered, and other sensitive species located within the Project footprint and within offsite areas with the potential to be affected, including California Species of Special Concern (CSSC) and California Fully Protected Species (Fish and Game Code § 3511). Species to be addressed should include all those which meet the CEQA definition (CEQA Guidelines § 15380). The inventory should address seasonal variations in use of the Project area and should not be limited to resident species. Focused species-specific surveys, completed by a qualified biologist and conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required. Acceptable species-specific survey procedures should be developed in consultation with CDFW and the U.S. Fish and Wildlife Service, where necessary. Note that CDFW generally considers biological field assessments for wildlife to be valid for a one-year period, and assessments for rare plants may be considered valid

for a period of up to three years. Some aspects of the proposed Project may warrant periodic updated surveys for certain sensitive taxa, particularly if the Project is proposed to occur over a protracted time frame, or in phases, or if surveys are completed during periods of drought.

Burrowing Owl (*Athene cunicularia*)

The Project site has the potential to provide suitable foraging and/or nesting habitat for burrowing owl. Take of individual burrowing owls and their nests is defined by Fish and Game Code section 86, and prohibited by sections 3503, 3503.5 and 3513. Take is defined in Fish and Game Code section 86 as “hunt, pursue, catch, capture or kill, or attempt to hunt, pursue, catch, capture or kill.”

CDFW recommends that the City of Rancho Cucamonga follow the recommendations and guidelines provided in the *Staff Report on Burrowing Owl Mitigation* (Department of Fish and Game, March 2012); available for download from CDFW’s website:

<https://www.wildlife.ca.gov/conservation/survey-protocols>. The Staff Report on Burrowing Owl Mitigation, specifies three steps for project impact evaluations:

- a. A habitat assessment;
- b. Surveys; and
- c. An impact assessment

As stated in the Staff Report on Burrowing Owl Mitigation, the three progressive steps are effective in evaluating whether a project will result in impacts to burrowing owls, and the information gained from the steps will inform any subsequent avoidance, minimization, and mitigation measures. Habitat assessments are conducted to evaluate the likelihood that a site supports burrowing owl. Burrowing owl surveys provide information needed to determine the potential effects of proposed projects and activities on burrowing owls, and to avoid take in accordance with Fish and Game Code sections 86, 3503, and 3503.5. Impact assessments evaluate the extent to which burrowing owls and their habitat may be impacted, directly or indirectly, on and within a reasonable distance of a proposed CEQA project activity or non-CEQA project.

4. A thorough, recent, floristic-based assessment of special status plants and natural communities, following CDFW’s *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (see <https://www.wildlife.ca.gov/Conservation/Plants>).

5. Information on the regional setting that is critical to an assessment of environmental impacts, with special emphasis on resources that are rare or unique to the region (CEQA Guidelines § 15125[c]).
6. A full accounting of all open space and mitigation/conservation lands within and adjacent to the Project.

Analysis of Direct, Indirect, and Cumulative Impacts to Biological Resources

The DEIR should provide a thorough discussion of the direct, indirect, and cumulative impacts expected to adversely affect biological resources as a result of the Project (including the plan's land use designations, policies and programs). To ensure that Project impacts to biological resources are fully analyzed, the following information should be included in the DEIR:

1. A discussion of potential impacts from lighting, noise, human activity (e.g., recreation), defensible space, and wildlife-human interactions created by zoning of development projects or other project activities adjacent to natural areas, exotic and/or invasive species, and drainage. The latter subject should address Project-related changes on drainage patterns and water quality within, upstream, and downstream of the Project site, including: volume, velocity, and frequency of existing and post-Project surface flows; polluted runoff; soil erosion and/or sedimentation in streams and water bodies; and post-Project fate of runoff from the Project site.

With respect to defensible space: please ensure that the DEIR fully describes and identifies the location, acreage, and composition of defensible space within the proposed Project footprint. Please ensure that any graphics and descriptions of defensible space associated with this project comply with San Bernardino County Fire (or other applicable agency) regulations/ requirements. The City of Rancho Cucamonga through their planning processes, should be ensuring that defensible space is provided and accounted for within proposed development areas, and not transferred to adjacent open space or conservations lands.

2. A discussion of potential indirect Project impacts on biological resources, including resources in areas adjacent to the Project footprint, such as nearby public lands (e.g. National Forests, State Parks, etc.), open space, adjacent natural habitats, riparian ecosystems, wildlife corridors, and any designated and/or proposed reserve or mitigation lands (e.g., preserved lands associated with a Natural Community Conservation Plan, or other conserved lands).

Please note that the Project area supports significant biological resources and contains habitat connections, providing for wildlife movement across the broader

landscape, sustaining both transitory and permanent wildlife populations. Proposed mitigation bank lands (Cucamonga Creek Mitigation Bank) border the project site along the foothills of the San Gabriel Mountains, while a conservation easement held by San Bernardino County Flood Control District (SBCFCD) preserves habitat within Day Creek Spreading Grounds. Additionally, the North Etiwanda Preserve is situated in the foothill area above Rancho Cucamonga. CDFW encourages project design that avoids and preserves onsite features that contribute to habitat connectivity. The DEIR should include a discussion of both direct and indirect impacts to wildlife movement and connectivity, including maintenance of wildlife corridor/movement areas to adjacent undisturbed habitats.

3. An evaluation of impacts to adjacent open space lands from the Project. The proposed Project has the potential to impact lands managed by the County of San Bernardino Special Districts Department (North Etiwanda Preserve), San Bernardino County Flood Control District (SBCFCD), such as those at Day Creek Spreading Grounds, and lands intended for mitigation by Watanmal (America) Inc. as Cucamonga Creek Mitigation Bank. CDFW encourages the City to contact San Bernardino County of Public Works Special Districts, SBCFCD, and Watanmal (America) Inc. to determine if any portion of the Project will impact adjacent conserved lands or lands proposed for conservation, and to work collaboratively to avoid and minimize impacts.
4. A cumulative effects analysis developed as described under CEQA Guidelines section 15130. The DEIR should analyze the cumulative effects of the plan's land use designations, policies and programs on the environment. Please include all potential direct and indirect Project related impacts to riparian areas, wetlands, vernal pools, alluvial fan habitats, wildlife corridors or wildlife movement areas, aquatic habitats, sensitive species and other sensitive habitats, open lands, open space, and adjacent natural habitats in the cumulative effects analysis. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

Alternatives Analysis

CDFW recommends the DEIR describe and analyze a range of reasonable alternatives to the Project that are potentially feasible, would "feasibly attain most of the basic objectives of the Project," and would avoid or substantially lessen any of the Project's significant effects (CEQA Guidelines § 15126.6[a]). The alternatives analysis should also evaluate a "no project" alternative (CEQA Guidelines § 15126.6[e]). The no Project alternative should evaluate how the changing environment, such as climate change and drought, may affect the community if a new or revised general plan were not adopted.

Mitigation Measures for Project Impacts to Biological Resources

The DEIR should identify mitigation measures and alternatives that are appropriate and adequate to avoid or minimize potential impacts, to the extent feasible. The City of Rancho Cucamonga should assess all direct, indirect, and cumulative impacts that are expected to occur as a result of the implementation of the Project and its long-term operation and maintenance. When proposing measures to avoid, minimize, or mitigate impacts, CDFW recommends consideration of the following:

1. *Fully Protected Species*: Fully protected species may not be taken or possessed at any time. Project activities described in the DEIR should be designed to completely avoid any fully protected species that have the potential to be present within or adjacent to the Project area. CDFW also recommends that the DEIR fully analyze potential adverse impacts to fully protected species due to habitat modification, loss of foraging habitat, and/or interruption of migratory and breeding behaviors. CDFW recommends that the Lead Agency include in the analysis how appropriate avoidance, minimization, and mitigation measures will reduce indirect impacts to fully protected species.
2. *Sensitive Plant Communities*: CDFW considers sensitive plant communities to be imperiled habitats having both local and regional significance. Plant communities, alliances, and associations with a statewide ranking of S-1, S-2, S-3, and S-4 should be considered sensitive and declining at the local and regional level. These ranks can be obtained by querying the CNDDDB and are included in *The Manual of California Vegetation* (Sawyer et al. 2009). The DEIR should include measures to fully avoid and otherwise protect sensitive plant communities from project-related direct and indirect impacts.
3. *California Species of Special Concern (CSSC)*: CSSC status applies to animals generally not listed under the federal Endangered Species Act or the CESA, but which nonetheless are declining at a rate that could result in listing, or historically occurred in low numbers and known threats to their persistence currently exist. CSSCs should be considered during the environmental review process. CSSC that have the potential or have been documented to occur within or adjacent to the project area, including, but not limited to: Los Angeles pocket mouse (*Perognathus longimembris brevinasus*), San Diego desert woodrat (*Neotoma lepida intermedia*), burrowing owl (*Athene cunicularia*), northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*), San Diego black-tailed jackrabbit (*Lepus californicus bennettii*), Southern California legless lizard (*Anniella stebbinsi*), and western spadefoot (*Spea hammondi*).
4. *Mitigation*: CDFW considers adverse project-related impacts to sensitive species and habitats to be significant to both local and regional ecosystems, and the DEIR

should include mitigation measures for adverse project-related impacts to these resources. Mitigation measures should emphasize avoidance and reduction of project impacts. For unavoidable impacts, onsite habitat restoration and/or enhancement, and preservation should be evaluated and discussed in detail. Where habitat preservation is not available onsite, offsite land acquisition, management, and preservation should be evaluated and discussed in detail.

The DEIR should include measures to perpetually protect the targeted habitat values within mitigation areas from direct and indirect adverse impacts in order to meet mitigation objectives to offset project-induced qualitative and quantitative losses of biological values. Specific issues that should be addressed include restrictions on access, proposed land dedications, long-term monitoring and management programs, control of illegal dumping, water pollution, increased human intrusion, etc.

If sensitive species and/or their habitat may be impacted from the Project, CDFW recommends the inclusion of specific mitigation in the DEIR. CEQA Guidelines section 15126.4, subdivision (a)(1)(8) states that formulation of feasible mitigation measures should not be deferred until some future date. The Court of Appeal in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645 struck down mitigation measures which required formulating management plans developed in consultation with State and Federal wildlife agencies after Project approval. Courts have also repeatedly not supported conclusions that impacts are mitigable when essential studies, and therefore impact assessments, are incomplete (*Sundstrom v. County of Mendocino* (1988) 202 Cal. App. 3d. 296; *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359; *Endangered Habitat League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777).

CDFW recommends that the DEIR specify mitigation that is roughly proportional to the level of impacts, in accordance with the provisions of CEQA (CEQA Guidelines, §§ 15126.4(a)(4)(B), 15064, 15065, and 16355). The mitigation should provide long-term conservation value for the suite of species and habitat being impacted by the Project. Furthermore, in order for mitigation measures to be effective, they need to be specific, enforceable, and feasible actions that will improve environmental conditions.

5. *Habitat Revegetation/Restoration Plans*: Plans for restoration and revegetation should be prepared by persons with expertise in southern California ecosystems and native plant restoration techniques. Plans should identify the assumptions used to develop the proposed restoration strategy. Each plan should include, at a minimum:
 - (a) the location of restoration sites and assessment of appropriate reference sites;
 - (b) the plant species to be used, sources of local propagules, container sizes, and seeding rates;
 - (c) a schematic depicting the mitigation area;
 - (d) a local seed and

cuttings and planting schedule; (e) a description of the irrigation methodology; (f) measures to control exotic vegetation on site; (g) specific success criteria; (h) a detailed monitoring program; (i) contingency measures should the success criteria not be met; and (j) identification of the party responsible for meeting the success criteria and providing for conservation of the mitigation site in perpetuity. Monitoring of restoration areas should extend across a sufficient time frame to ensure that the new habitat is established, self-sustaining, and capable of surviving drought. CDFW recommends that local onsite propagules from the Project area and nearby vicinity be collected and used for restoration purposes. Onsite seed collection should be initiated in the near future in order to accumulate sufficient propagule material for subsequent use in future years. Onsite vegetation mapping at the alliance and/or association level should be used to develop appropriate restoration goals and local plant palettes. Reference areas should be identified to help guide restoration efforts. Specific restoration plans should be developed for various project components as appropriate.

Restoration objectives should include protecting special habitat elements or re-creating them in areas affected by the Project; examples could include retention of woody material, logs, snags, rocks, and brush piles.

6. *Nesting Birds and Migratory Bird Treaty Act*: Please note that it is the Project proponent's responsibility to comply with all applicable laws related to nesting birds and birds of prey. Fish and Game Code sections 3503, 3503.5, and 3513 afford protective measures as follows: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.).

CDFW recommends that the DEIR include the results of avian surveys, as well as specific avoidance and minimization measures to ensure that impacts to nesting birds do not occur. Project-specific avoidance and minimization measures may include, but not be limited to: project phasing and timing, monitoring of project-related noise (where applicable), sound walls, and buffers, where appropriate. The DEIR should also include specific avoidance and minimization measures that will be implemented should a nest be located within the project site. If pre-construction

surveys are proposed in the DEIR, the CDFW recommends that they be required no more than three (3) days prior to vegetation clearing or ground disturbance activities, as instances of nesting could be missed if surveys are conducted sooner.

7. *Moving out of Harm's Way*: To avoid direct mortality, CDFW recommends that the lead agency condition the DEIR to require that a CDFW-approved qualified biologist be retained to be onsite prior to and during all ground- and habitat-disturbing activities to move out of harm's way special status species or other wildlife of low or limited mobility that would otherwise be injured or killed from project-related activities. Movement of wildlife out of harm's way should be limited to only those individuals that would otherwise be injured or killed, and individuals should be moved only as far as necessary to ensure their safety (i.e., CDFW does not recommend relocation to other areas). Furthermore, it should be noted that the temporary relocation of onsite wildlife does not constitute effective mitigation for the purposes of offsetting project impacts associated with habitat loss.
8. *Translocation of Species*: CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species as studies have shown that these efforts are experimental in nature and largely unsuccessful.

California Endangered Species Act

CDFW is responsible for ensuring appropriate conservation of fish and wildlife resources including threatened, endangered, and/or candidate plant and animal species, pursuant to CESA. CDFW recommends that a CESA Incidental Take Permit (ITP) be obtained if the Project has the potential to result in "take" (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of State-listed CESA species, either through construction or over the life of the Project. CESA section 2052 states it is the policy of the state to conserve, protect, restore, and enhance any State-listed CESA species and its habitat.

CDFW encourages early consultation, as significant modification to the proposed Project and avoidance, minimization, and mitigation measures may be necessary to obtain a CESA ITP. The California Fish and Game Code requires that CDFW comply with CEQA for issuance of a CESA ITP. CDFW therefore recommends that the DEIR addresses all Project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of CESA.

Based on review of CNDDDB, and/or knowledge of the project site/vicinity/general area, CDFW is aware that the following CESA-listed species have the potential to occur

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onsite/have previously been reported onsite: San Bernardino kangaroo rat (*Dipodomys merriami parvus*) and tricolored blackbird (*Agelaius tricolor*).

Lake and Streambed Alteration Program

Based on review of aerial photography, several drainage features, such as Deer Creek Chanel and Day Creek Channel traverse the site. It is likely that the Project applicant will need to notify CDFW per Fish and Game Code section 1602. Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

Upon receipt of a complete notification, CDFW determines if the proposed Project activities may substantially adversely affect existing fish and wildlife resources and whether a Lake and Streambed Alteration (LSA) Agreement is required. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify your Project that would eliminate or reduce harmful impacts to fish and wildlife resources.

CDFW's issuance of an LSA Agreement is a "project" subject to CEQA (see Pub. Resources Code 21065). To facilitate issuance of an LSA Agreement, if necessary, the DEIR should fully identify the potential impacts to the lake, stream, or riparian resources, and provide adequate avoidance, mitigation, and monitoring and reporting commitments. Early consultation with CDFW is recommended, since modification of the proposed Project may be required to avoid or reduce impacts to fish and wildlife resources. To obtain a Lake or Streambed Alteration notification package, please go to <https://www.wildlife.ca.gov/Conservation/LSA/Forms>.

ADDITIONAL COMMENTS AND RECOMMENDATIONS

To ameliorate the water demands of this Project, CDFW recommends incorporation of water-wise concepts in project landscape design plans. In particular, CDFW recommends xeriscaping with locally native California species, and installing water-efficient and targeted irrigation systems (such as drip irrigation). Local water agencies/districts, and resource conservation districts in your area may be able to provide information on plant nurseries (i.e., California Botanic Garden in Claremont) that

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carry locally native species, and some facilities display drought-tolerant locally native species demonstration gardens (for example the Chino Basin Water Conservation District in Montclair.). Information on drought-tolerant landscaping and water-efficient irrigation systems is available on California's Save our Water website:

<http://saveourwater.com/what-you-can-do/tips/landscaping/>

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). Information can be submitted online or via completion of the CNDDDB field survey form at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The completed form can be mailed electronically to CNDDDB at the following email address: CNDDDB@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP of a DEIR for the City of Rancho Cucamonga General Plan Update 2020 Project (SCH No. 2021050261) and recommends that the City of Rancho Cucamonga address the CDFW's comments and concerns in the forthcoming DEIR. If you should have any questions pertaining to the comments provided in this letter, please contact Cindy Castaneda, Environmental Scientist, at (805) 712-0346 or at Cindy.Castaneda@wildlife.ca.gov.

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Sincerely,

DocuSigned by:

8091B1A9242F49C...

Scott Wilson
Environmental Program Manager

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Habitat Conservation Planning Branch
CEQAcommentletters@wildlife.ca.gov

Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@opr.ca.gov

REFERENCES

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html

Sawyer, J. O., T. Keeler-Wolf, and J. M. Evens. 2009. A manual of California Vegetation, 2nd ed. California Native Plant Society Press, Sacramento, California.
<http://vegetation.cnps.org/>

Stakeholder Interviews Summary

Introduction

On February 5th, 6th, and 20th, members of the Raimi + Associates team conducted 18 stakeholder interviews with Rancho Cucamonga industry leaders, community-based organizations, public-serving institutions, elected officials, and other stakeholders about issues and opportunities for PlanRC, the Rancho Cucamonga General Plan Update. The purpose of the stakeholder interviews was to provide the Raimi + Associates team with a snapshot of existing conditions, trends and public sentiment in the city at the beginning of the General Plan process. The Stakeholder Interview Summary is not an exhaustive compilation of all the comments and ideas expressed during the stakeholder interviews. Rather, it is the consultant team's summary of the high level "take-aways" and common themes identified from the individual conversations.

The comments received at these interviews have been categorized by the project team into the following major categories:

- Unique and Special Attributes
- Enhancement and Change Opportunities
- Barriers to Change
- Engagement and Outreach Ideas

The Stakeholder summary includes two components: a high-level summary of findings and consolidated notes identifying key ideas and concepts heard from stakeholders. This document serves as a baseline for ongoing engagement as part of the General Plan Update process. Information from the stakeholder interviews provides background information as the team begins its work on the General Plan update. However, not all comments expressed can or will be included in the General Plan.

Interviewees

Members from the organizations and/or affiliations were interviewed during the process. Other organizations were invited but were unable to attend on the days scheduled for interviews. Together, these groups represent a diversity of interests, affiliations and opinions in the City.

- Alta Loma Riding Club
- Alta Loma School District
- CBRE
- Chaffey College
- Chaffey Joint Union High School District
- Chamber of Commerce
- City of Rancho Cucamonga:
 - City Mayor
 - Council Members
 - City Manager
 - Planning Commissioners
- Creative Housing Associates
- Haven City Market
- Healthy RC:
 - Youth Leaders
 - Steering Committee
 - Community Champions

- Historic Preservation Group
- Homebridge
- National CORE
- Nongshim
- Ontario Convention Center and Visitors Bureau
- Sumitomo Tires
- Tekton

Summary of Findings

Interviewees share a strong affinity for the “small town feel” of Rancho Cucamonga and deep commitment to maintaining unique community character across the City. Various assets were cited as making the city unique and special: weather, natural environment (e.g., mountains, access to trails), regional economy, public schools, quality of public services, and history (e.g., vineyards, Route 66).

Many stakeholders alluded to successful planning and policy initiatives of the past — where the City took a lead in engaging community members in new and innovative ways or where community members came together to understand that progress and diversity are necessary to maintain fiscal health and a good quality of life for all. There is also an appreciation for the commitment and professionalism of City Staff. The Rancho Cucamonga General Plan Update, also known as PlanRC, will be served greatly by this strong foundation and the ability of the City to communicate throughout the entire process.

Themes

Interviewees shared excitement and openness to PlanRC and many ideas for what the process can achieve. The project team noted the following recurring themes and observations for PlanRC:

- Develop a shared vision for the future of Rancho Cucamonga that builds on the City's foundation as a forward-thinking community always looking to be better than it has been
- Continue to be a city for young families to raise children. This includes daycare, quality schools, and a diversity of parks and recreational programs for youth.
- Provide a variety of housing for different household incomes and housing types.
- Enhance equestrian trails and parks for physical and mental health
- Move from approval of stand-alone scattered development projects toward a slate of projects and improvements that support place-based neighborhood development
 - New development should be context-sensitive and compatible with existing neighborhood character and plans
 - Develop standards for emerging districts, neighborhoods, corridors, and nodes
- Strengthen local government openness and transparency
 - Increase transparency of planning deliberation and decisions
 - Support small and large businesses alike

- Enhance existing partnerships with schools to ensure all residents and workers, regardless of age, have career pathway options

Consolidated Notes

Unique and Special Attributes

- Small town feel
- Clear and distinct neighborhoods or districts
- Balanced community with intentional separation of uses
- California history related to agriculture and Route 66
- Great weather for healthy, active living
- Equestrian community
- Quality infrastructure
- Excellent schools
- Top-notch staff that make the City a known leader in innovation
- Views of mountains and access to foothills
- Diverse economy with easily identifiable sectors or industries
- Progress-oriented leaders with high standards
- Commitment to planning and growth

Enhancement and Change Opportunities

- Population/demographics
 - Attract and retain residents, regardless of age
 - Welcome a diverse population (age, income, race/ethnicity, etc.)
- Growth and development
 - City as its own center of gravity in the Inland Empire
 - Move from scattered development projects to place-based, neighborhood development and comprehensive vision of the City
 - Deliberate historic preservation and enhancement (Route 66, Alta Loma)
 - Establish key City centers and districts
 - Enhance existing nodes of activity and neighborhoods (like the feel of Victoria Gardens)
 - Embrace TOD and mixed-use to appeal to younger and older, aging populations
 - Rezone properties near high quality transit from commercial to residential
 - Allow higher density in strategic areas around the City, not just near transit
 - Redevelop existing struggling commercial and retail to high-density workforce housing mixed with market rate
 - Secure more community benefits from new developments before approval
 - Implement and/or align the General Plan with existing plans, including the Trails Plan, Central Park, corridor plans, and others
- Pedestrian, bicycle and transit
 - Improve walkability and pedestrian access in residential neighborhoods
 - More bike parking, especially for kids near parks and activities
 - Bus rapid transit on major corridors

- Increase frequency of Metrolink headways
- Traffic and parking
 - Decrease number of lanes on some streets
 - Reduce speeds on major corridors
 - Better coordinate flow of traffic, parking, loading/unloading, and transit
 - Design for rideshare drop off points at popular venues or activity centers
 - Design for increase in traffic related to deliveries (e.g., Amazon)
 - Build shared parking lots
 - Synchronize lights on Haven, Milliken, and other major corridors, for efficient traffic routing during rush hour
 - Decrease parking requirements for distribution businesses
 - Increase parking requirements for warehouses
- Housing diversity
 - Build more housing for different income levels and lifestyle needs
 - Provide incentives for affordable housing projects
 - Add executive luxury housing with amenities
 - Create opportunities for affordable home ownership projects
 - Try different housing ideas (e.g., efficiency housing, single-room occupancy, prefabricated housing, tiny homes, public housing, garden apartments for horizontal density, ADUs and multigenerational / flexible housing arrangements)
 - Require inclusionary zoning
 - Improve understanding of what affordable housing is and what it means
 - Expand types of affordable housing and who qualifies
 - Young people that grew up in RC can't afford to live in City
 - Young families and workers that make up the community
 - Seniors that live in RC with a fixed income
- Parks and recreation
 - Enhance parks and recreation facilities and access
 - Improve existing trails and expand the trail network in the City
 - Transition baseball fields to emerging soccer leagues
 - Build more public parks
 - Provide more grant funding to Teen Center
 - Finish Central Park
- Arts and culture
 - Improve the nightlife in RC
 - Music venues, local lively music scene is missing
 - Need large venue that can accommodate big events and conferences
 - Unique dining experiences, not just cookie-cutter amenities
 - Add breweries, wineries, and other experiential retail
 - Build more arts and cultural amenities throughout
- Economy and Jobs
 - Continue to diversify the economy
 - Bring more corporate headquarters to Rancho Cucamonga

- Build a more diverse industrial base – tech, health care, distribution, etc.
- Leverage “sweet spot” – potential for high-end office and technology spaces that also promote knowledge-based jobs in RC
- Leverage increase in flight traffic at Ontario airport for tourism
 - Consider growth of green jobs – high growth potential in the region
 - Add an auto mall on Foothill, off both sides of the 15
- Schools and education
 - Develop clear educational pathways to emerging or high-demand jobs pathways in advanced manufacturing, logistics, biotech, coding, healthcare, and others
 - Build new schools in areas of the city that are growing
- Health and equity
 - Become a greener city
 - Better prepare for wildfires
 - Protect open space and trail system
 - Build more health facilities of all sizes that offer affordable rates and access by transit or walking
 - Improve quality of life for southern part of city, particularly southwest
 - Increase representation of low-income communities in decision-making
 - Improve access to healthy food and groceries

Barriers to Change/Issues

- Changing identity of Rancho Cucamonga
 - Demographics of younger people are more diverse
 - Character of buildings and streets
 - City has been more conservative, compared to neighbors
- A lot of people don't vote or stay engaged in the process
 - Vocal minority: Many that are opposed to needed changes
 - Silent majority: Busy with work, enjoy living in RC, raising families
- People have concerns about growth and resulting deterioration in quality of life
- Many young people are dealing with mental health problems
- Traffic congestion is increasing as the region grows
- Declining affordability is bad for diversity and economy
 - International capital buying up land and inflating costs of housing
 - Construction costs, particularly for labor, are very high
 - People who work here can't afford to live here
- Keeping up with mandates coming down from state legislation
- Financing the upkeep of infrastructure in the long-term

Engagement and Outreach Ideas

- Other Key Groups to Engage
 - Teens in local high schools
 - Parents and families in southwest
 - Pastors' network that meets quarterly

- Potential Events or Venues
 - Parades: NASCAR Trucks, Founder's Day
 - Grape Harvest Festival (bring it back)
 - Teen Center, especially during pick-up time
 - Churches: St. Peter and St. Paul Catholic Church (5000+ families attend), Hillside Church, Water of Life, Abundant (others also exist)
 - Victoria Gardens
 - Community Parks
- Communications Channels
 - School district communications and on the ground presentations at school
 - Grapevine Magazine, Alta Loma Riding Club Newsletter and other communications from local organizations
 - Social Media (Instagram, facebook)
 - Healthy RC leaders and other community leaders
 - Use existing outreach channels to foster new leadership
 - Reach out on weekends, daytime, evenings at times that are convenient for working citizens
 - Provide materials in multiple languages
 - Include robust and interactive content on the website



Department of Public Works

- Flood Control
- Operations
- Solid Waste Management
- Special Districts
- Surveyor
- Transportation

Brendon Biggs, M.S., P.E.
Director

David Doublet, M.S., P.E.
Assistant Director

June 2, 2021

File: 10(ENV)-4.01

City of Rancho Cucamonga
Planning Department
Attn: Jennifer Nakamura
10500 Civic Center Drive
Rancho Cucamonga, CA 91730
Email: Jennifer.Nakamura@CityofRC.us

Transmitted Via Email

RE: CEQA – NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR A CITY OF RANCHO CUCAMONGA GENERAL PLAN UPDATE

Dear Ms. Nakamura:

Thank you for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. **We received this request on May 17, 2021** and pursuant to our review, the following comments are provided:

GENERAL COMMENTS

1. According to the most recent FEMA Flood Insurance Rate Map, Panels 06071C7915H, 8629H (dated August 28, 2008); 7870J, 7890J, 8633J (dated September 2, 2016); 7895J, 8634J, 8635J (dated September 26, 2014); 8609J, 8628J, 8630J (dated February 18, 2015), the project lies within Zones A, AO, D, X, X-shaded (500-yr. floodplain/protected by a levee) Impacts associated with the project's occurrence in the above mentioned Zones and mitigation, should be discussed within the Draft EIR prior to adoption by the Lead Agency.

We respectfully request to be included on the circulation list for all project notices, public reviews, or public hearings. In closing, I would like to thank you again for allowing the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project. Should you have any questions or need additional clarification, please contact the individuals who provided the specific comment, as listed above.

Sincerely,

Michael Perry

MICHAEL R. PERRY
Supervising Planner
Environmental Management

MRP:AJ:ms

BOARD OF SUPERVISORS

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South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178
(909) 396-2000 • www.aqmd.gov

SENT VIA E-MAIL:

June 1, 2021

Jennifer.Nakamura@CityofRC.us

Jennifer Nakamura, Planner
City of Rancho Cucamonga, Planning Department
10500 Civic Center Drive
Rancho Cucamonga, California 91730

Notice of Preparation of a Draft Environmental Impact Report for the Rancho Cucamonga General Plan Update 2020 (Proposed Project)

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

CEQA Air Quality Analysis

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website¹ as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod² land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds³ and localized significance thresholds (LSTs)⁴ to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from

¹ South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

² CalEEMod is available free of charge at: www.caleemod.com.

³ South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

⁴ South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment⁵.

The California Air Resources Board's (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective*⁶ is a general reference guide for evaluating and reducing air pollution impacts associated with new projects that go through the land use decision-making process with additional guidance on strategies to reduce air pollution exposure near high-volume roadways available in CARB's technical advisory⁷. The South Coast AQMD's *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*⁸ includes suggested policies that local governments can use in their General Plans or through local planning to prevent or reduce potential air pollution impacts and protect public health. It is recommended that the Lead Agency review this Guidance Document as a tool when making local planning and land use decisions.

Mitigation Measures

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook¹, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan⁹, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy¹⁰.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at lsun@aqmd.gov.

Sincerely,

Lijin Sun

Lijin Sun, J.D.

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS
SBC210511-04
Control Number

⁵ South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

⁶ CARB's *Air Quality and Land Use Handbook: A Community Health Perspective* can be found at: <http://www.arb.ca.gov/ch/handbook.pdf>.

⁷ CARB's technical advisory can be found at: <https://www.arb.ca.gov/ch/landuse.htm>.

⁸ South Coast AQMD. 2005. *Guidance Document for Addressing Air Quality Issues in General Plans and Local Planning*. Available at: <http://www.aqmd.gov/docs/default-source/planning/air-quality-guidance/complete-guidance-document.pdf>.

⁹ South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

¹⁰ Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: https://www.connectsoocal.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf.



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Refer To File # 190373-0094

VIA EMAIL AND FIRST CLASS MAIL

June 9, 2021

Jennifer Nakamura
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730
Email: Jennifer.Nakamura@CityofRC.us

Re: Rancho Cucamonga General Plan Update 2020
State Clearinghouse # 2021050261
Southern California Edison's Comments on Notice of Preparation

Ms. Nakamura:

This firm represents Southern California Edison (“SCE”) with respect to its Etiwanda Substation, Rancho Vista Substation, and Grapeland Peaker Plant located at Etiwanda Avenue and Sixth Street in the City of Rancho Cucamonga (the “SCE Property”). As you know, over the course of the past 18 months, SCE staff and the City of Rancho Cucamonga (“City’s”) staff have had extensive and detailed discussions and field meetings regarding the City’s proposal to identify several road corridors for future development on SCE’s Property as part of its pending General Plan update. SCE provided the City with schematics illustrating that—as a practical matter — such roads **cannot and will not be built**, leading only to the identification of new locations of such roads, all of which still run through the SCE Property and existing infrastructure. The City has continued to anchor its contemplated solution to traffic problems anticipated within the Southeast Industrial Quadrant (“SEIQ”) on the eventual development of these newly proposed roads.

In so doing, the City is effectively representing to the public that there is a viable long-term planning solution to existing and future traffic issues within the SEIQ that will have no collateral impacts on SCE’s largely unmanned substations and proposed training center. Given that SCE’s infrastructure which forecloses the development of the proposed roads constitutes a critical component of SCE’s system and has a forecasted need well into the next several decades, the insertion of these roads into the General Plan map and transportation element (as well as any other element of the General Plan) infuses the process with considerable doubt. Moreover, SCE respectfully submits that the General Plan update will only exacerbate traffic issues in the future as no meaningful attention or exploration has been given to alternative solutions that do not require the use of public utility property. SCE must therefore continue to object to the City’s processing of the General Plan update and is prepared to invoke all legal remedies at its disposal.

To ensure that SCE's concerns regarding the flaws in the General Plan update are included in the City's record of decision, this letter summarizes SCE's comments on the City's Notice of Preparation ("NOP") for its General Plan Update 2020. The City has requested comments on the scope of the CEQA analysis for the General Plan update, and SCE submits this letter to raise significant concerns regarding the scope of the analysis and the considerations pertaining to the generally identified changes to the SEIQ.

Specifically, as detailed below, as part of its General Plan update and corresponding CEQA review, the City must consider the effects of including new public roads on the SCE Property, and the substantial impacts – environmental and otherwise – that would be caused to SCE's existing and proposed future infrastructure by operation of the proposed General Plan updates. Once the City undertakes the proper and required analysis, it will be clear that such roads make no sense and are inconsistent with SCE's existing and proposed future uses, and there are no reasonable or feasible mitigation measures sufficient to address the significant impacts that would be created by interfering with SCE's existing and proposed infrastructure.

1. THE CITY'S CEQA ANALYSIS MUST CONSIDER THE GENERAL PLAN'S INTERPLAY WITH LAND USE PLANNING DECISIONS AND THE EFFECTS THAT LEGALLY REQUIRED CONSISTENCY DETERMINATIONS MAY CAUSE.

As a threshold matter, the City's staff have unfortunately waved off SCE's concerns regarding the uncertainty created by the presence of these roads in the General Plan on the grounds that the General Plan is a set of goals and policies and does not itself mandate construction. However, General Plan amendments must take into account (among other things) the potential impact to (in pertinent part) existing utilities should the General Plan policy or design be implemented. The General Plan for local jurisdictions, like the City, is the legal underpinning for land use decisions. (Gov. Code, § 65300.) General plans have been variously described as the "charter to which [zoning] ordinance[s] must conform," and the "constitution for all future developments" within a local jurisdiction. (*Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal.3d 531, 540; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570 [collecting cases].) "[T]he propriety of virtually any local decision affecting land use and development depends upon consistency with the applicable general plan and its elements." (*Resource Defense Fund v. County of Santa Cruz* (1982) 133 Cal.App.3d 800, 806.) A general plan is viewed as containing a local jurisdiction's fundamental policy decisions about future development. (*Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2004) 126 Cal.App.4th 1180, 1184.) While a general plan does not set forth specific mandates or prohibitions, and instead states policies or goals, future development must be consistent with the general plan and its elements. (Gov. Code, § 65860; *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378; *Friends of Lagoon Valley v. City of Vacaville* (2007) 154 Cal.App.4th 807, 815; *Naraghi Lakes Neighborhood Preservation Assn. v. City of Modesto* (2016) 1 Cal.App.5th 9, 17.)

This general rule of consistency means that a project must at least be compatible with the objectives and policies of the general plan. (*Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 717-718.) While this does not mean that each project must rigidly conform to every single detail of a general plan, they must generally conform and not

frustrate the policies and objectives of the general plan. (*San Franciscans Upholding the Downtown Plan v. City & County of San Francisco* (2002) 102 Cal.App.4th 656, 678; *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 378.) In other words, while a general plan does not itself mandate specific physical changes to the environment, future projects that would do so must not frustrate the policies and goals of the general plan and cannot be clearly inconsistent with the general plan.

This interplay between the General Plan, future projects, and the existing infrastructure within the SEIQ is what concerns SCE with respect to the City's General Plan Update 2020. Those concerns are detailed below and SCE urges the City to carefully consider the potential impacts to SCE's existing structures and infrastructure (and thus SCE's ability to continue to provide reliable electrical service) from the identification of new or additional streets in the SEIQ, particularly ones that run through the SCE Property or even bisect the existing SCE infrastructure.

2. THE SEIQ IS HEAVILY DEVELOPED, AND WILL REMAIN SO FOR THE NEXT 20-PLUS YEARS.

As the City's public workshop meetings, meeting with SCE, and more general staff presentations on the General Plan update to date have disclosed, and as the City is aware, the SEIQ is a heavily developed, industrial area of the City that contains developed industrial parcels and concentrated electrical infrastructure that serves both the City and hundreds of thousands of other customers in the Inland Empire. The SCE Property is among the developed industrial properties within the SEIQ. It contains existing substations and a peaker plant, along with a variety of above-ground and underground electrical infrastructure that crisscrosses the entirety of the SCE Property. SCE has previously detailed the types of infrastructure present on the SCE Property in several letters to the City. Those letters are attached hereto and incorporated by reference.

The other properties within the SEIQ also contain existing structures and infrastructure both above and below-ground. However, many of the SEIQ property owners also own multiple connected parcels in this area, between and through which there are only minimal existing public roads or City streets. While SCE cannot speak for the other existing property owners within the SEIQ, SCE's existing infrastructure cannot easily be moved, reoriented, or relocated. This is in part because SCE is a public utility subject to regulation by the California Public Utilities Commission ("CPUC"). The CPUC heavily regulates multiple aspects of SCE's business, including SCE's ability to grant easements or to dedicate property. This means that any future updates needed to SCE's existing structures and/or construction of new structures supporting SCE's operations would be heavily constrained and limited. These complications and potential impacts to SCE's infrastructure from any future public road network within the SEIQ must be taken into account in the City's CEQA analysis for the General Plan update.

Additionally, the City's NOP indicates that the General Plan update will provide the City's general policies and objectives that are to serve the level of anticipated population growth and development over the next two decades. Yet, the preliminary General Plan update documents that have been shared with the public indicate that the City will identify additional public streets

and roads in the General Plan that run through areas of the developed SEIQ where no public streets or roads currently exist. This appears to ignore the existing infrastructure, which has existed for (at least) the past two decades. In SCE's case, the Grapeland Peaker Plant and Rancho Vista Substation are relatively new and are still in use for the long-term foreseeable future. For all of the structures and infrastructure on SCE's properties within the SEIQ, SCE intends to keep those structures in use for at least the next two decades – and in most cases even longer still. In other words, the City's General Plan update must consider the likelihood that the existing land uses within the SEIQ may remain consistent over the next two decades, and consider the compatibility of the General Plan's goals and objectives with the existing infrastructure and structures that are unlikely to change.

The public documents to date have identified streets running directly through the SCE Property, including streets which bisect the Rancho Vista Substation, as being part of the General Plan update. If that is what the City intends, despite the many warnings regarding the existence of electrical infrastructure and potential disruptions that streets in the locations proposed to date for the SEIQ that SCE has provided, the effects of the City's decision to establish such streets as goals or objectives of the General Plan must be examined in the context of the real physical changes they could cause – by rendering existing infrastructure or new structures incompatible with the updated General Plan's objectives and goals. The CEQA analysis must also determine whether and what kind of mitigation would be required for changes within the SEIQ that the updated goals and policies of the General Plan could cause, including required approvals from other public agencies (e.g., the CPUC). SCE urges the City to fully and completely disclose the potential effects that the General Plan update may have by virtue of the legally mandated consistency findings under CEQA and the California Planning and Zoning Law for the existing, developed uses within the SEIQ which are not anticipated to change in the next two decades. As will become clear during the course of the City's CEQA process for the General Plan update, the impacts of identifying new public streets through the locations of existing public utility infrastructure in the SEIQ are likely to be significant, material and adverse. As the CEQA analysis will show, at minimum, it is clear that no public roads should be proposed in the General Plan update on the SCE Property.

3. THE CITY MUST CONSIDER THE POTENTIAL ADVERSE IMPACTS OF IDENTIFYING ADDITIONAL STREET INFRASTRUCTURE IN THE GENERAL PLAN UPDATE.

As noted above, the existing public documents regarding the City's General Plan update indicate that the General Plan is likely to identify a variety of new public roads and streets, in addition to expanded public streets, to serve the population growth and development anticipated over the next 20 years. Even for the areas where the existing General Plan documents appear to assume that existing uses will persist for the entire 20-year planning horizon of the General Plan update, the City's CEQA analysis must disclose, discuss, and, where appropriate, offer mitigation for the impacts that identifying new infrastructure in the General Plan update may cause.

Those impacts would not be from mere identification of additional infrastructure. Rather, because any modifications to existing uses and/or approval of new development would require findings of consistency with the General Plan (as updated), it is through that interaction that

physical changes to both the environment and to existing uses must be analyzed. If the City moves forward with its General Plan update as proposed, and in particular the proposed road network in the SEIQ, the physical changes and impacts to SCE's infrastructure are reasonably foreseeable, and they must be considered as part of the City's CEQA analysis of its General Plan update. Therefore, in addition to the required analysis of potential land use impacts, the CEQA review should also specifically address the question of whether development consistent with the proposed updates would result in the relocation or construction of new or expanded utility facilities (including electric power facilities) which could cause significant environmental effects. (See Cal. Code Regs., tit. 14 ("CEQA Guidelines"), Appendix G, Issue XIX.A.) A full CEQA analysis of the newly proposed roads identified in the preliminary General Plan update will make clear that such roads through the SCE Property make no sense and are ultimately harmful to SCE, the City, and the community.

4. CONCLUSION.

SCE restates its repeated request that the subject roads be eliminated from the General Plan update, or at minimum, that alternative locations that do not disrupt existing electrical infrastructure be proposed and thoroughly considered. To that end, SCE would like to confirm that it is included on the mailing list for all updates regarding the City's development of the General Plan. Despite signing up to receive updates, SCE has experienced some issues receiving updates in the past, and would like to ensure that it can remain an active participant in the City's public involvement process for the General Plan update.

SCE has consistently worked with the City to provide the electrical service and infrastructure necessary to serve the City itself, along with approved new developments and existing SCE customers within the City. However, the City must undertake a proper analysis, and fully assess the potential impacts of including new public roads on the SCE Property in the General Plan update. Once the City undertakes that analysis as part of its CEQA review for the General Plan update, it will be clear that: (1) such roads make no sense and are inconsistent with SCE's existing and proposed future uses in those locations, and (2) there are no reasonable or feasible mitigation measures sufficient to address the substantial impacts (both to SCE and to the public that depends on SCE's provision of electricity) that would be created by interfering with SCE's existing and proposed infrastructure. Therefore, as part of any General Plan update, the City should remove any newly identified corridors for public roads running through the SCE Property.

Very truly yours,



Bradford B. Kuhn
Nossaman LLP

BBK:snc
Enclosures



September 29, 2020

Mr. John R. Gillison, City Manager
Mr. Matt Burris, Deputy City Manager
Mr. Mike Smith, Principal Planner
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Re: Impact of Proposed Amendment to City General Plan on Southern California Edison's Rancho Vista Substation (12408-6th Street) and Associated Training Center Plans

Dear Messrs. Gillison, Burris, and Smith:

On behalf of Southern California Edison (SCE), thank you and representatives of the City of Rancho Cucamonga (City's) staff for meeting with our SCE project team on August 5th. As you know, the City's planning staff is in the process of developing amendments to the City's General Plan. In pertinent part, the proposed amendments require the eventual development of a series of new streets that would bifurcate SCE's property located northwest of the intersection of 6th Street and Etiwanda Avenue. During our meeting, the City's staff advised SCE that it does not have a complete inventory of the facilities SCE maintains on its property and expressed a willingness to revisit its proposal given SCE's assertion that the proposed streets will interfere with SCE substations and peaker plant. Due to the potential interference, SCE believes it is highly unlikely that the subject streets will ever be dedicated or built. The purpose of this letter is therefore to provide the City with information regarding SCE's ongoing use of its property that render development of the streets impractical and to request that the City either eliminate the streets from consideration or harmonize the proposed General Plan Amendment with SCE's long-term use of the property. SCE also respectfully requests that this letter be added to the record of any proceedings by the City on the proposed General Plan amendment.

Overview of SCE's Property

SCE owns several parcels of property in the immediate area. The proposed amendments largely impact two parcels housing SCE's Rancho Vista Substation, Etiwanda Substation, and Grapeland peaker plant. The parcels containing the substations and peaker plant are "L" shaped and are located just northwest of the intersection of Etiwanda Avenue and 6th Street. These substations are an integral component of SCE's transmission system and are utilized to receive, transmit, and distribute electricity to SCE's customers in the region (including the City itself). The associated peaker plant is designed to ensure the continuous supply of electricity by temporarily generating electricity at certain times of "peak" electrical demand. It is evident that SCE took the

City's planning concerns into account when it originally acquired its property for these purposes as the site is situated within a corridor of industrial uses that is also abutted by several railroad tracks.

As further evidence of the critical nature of the facilities, please note that the substations and peaker plant are integrated with each other and SCE's transmission and distribution grid through a series of electrical transmission and distribution towers, lines, cables, and above and below ground conduit. The substations send and receive power through a series of high-voltage transmission lines supported by towers virtually surrounding the site. For the City's convenience, an inventory and diagrams of these facilities are included as **Attachment "1"** to this letter.

Proposed General Plan Amendment

SCE understands that the City intends to amend its General Plan to (in pertinent part) require the development of five new streets partially situated on SCE's property. The City's draft diagram illustrating these streets is included as **Attachment "2"** to this letter. As discussed more fully below, the five proposed streets would bifurcate SCE's property in both a north-south and east-west direction.

Need For The New Streets

SCE initially understood that the City proposed the subject streets to ensure emergency access to the area. SCE subsequently resolved the City's emergency access concerns and demonstrated that there is sufficient emergency access both to SCE's parcel and adjacent parcels. SCE now understands that the City's primary planning rationale is to "open up" the area and create greater access in and through the site. Unfortunately, the subject proposal bifurcates SCE's property and places an undue burden on SCE's facilities. Moreover, SCE understands that there is sufficient traffic capacity on the existing road network such that the new roads would at best be superfluous. SCE has discussed this issue with other property owners and its own traffic engineer who has confirmed that the subject streets are not needed.

SCE's Ongoing Cooperation With the City's Planning Efforts

SCE has and will continue to partner with both the City and our customers in the City to ensure the connectivity of area streets. As a matter of course, SCE is amenable to reviewing reasonable requests for right of way dedications provided that doing so will not impact SCE's facilities or service. However, SCE must prioritize its ability to safely and reliably operate and maintain its system. Moreover, SCE must seek approval for such conveyances from the California Public Utilities Commission (CPUC) pursuant to Public Utilities Code Section 851. As part of that approval process, SCE must demonstrate that the conveyance does not interfere with SCE's operations. For example, CPUC General Order 173 requires that a utility demonstrate that an application for approval to convey rights of way made pursuant to Public Utilities Code Section 851 show that "[t]he transaction will not have an adverse effect on the public interest or on the ability of the utility to provide safe and reliable service to customers at reasonable rates."

SCE has sought and obtained approval from the CPUC to convey right of way easements supportive of private developers who have been conditioned by local governments to build or enlarge City roads. For example, in 2018 SCE obtained approval from the CPUC to grant two right of way easements to a developer in the City. These easements facilitated an expansion of Santa Anita Avenue just north of SCE's substation and ultimately allowed for the development of industrial warehouses. Following completion of the Santa Anita Avenue expansion, SCE understood that the easements would be assigned to the City. SCE understood the warehouse development was urgently needed by area businesses and has provided a significant economic benefit to the City. A copy of the CPUC's Resolution approving these easements is included as **Attachment "3"**.

In addition, SCE is working cooperatively with the City to evaluate the dedication of portions of SCE's property to support a grade separation project just east of the subject properties on Etiwanda Avenue. Where feasible, SCE will do our best to support the City with its development plans. Unfortunately, implementation of the subject proposed General Plan amendment would adversely impact both existing and reasonably foreseeable upgrades and modifications to SCE's substations. Therefore, as explained more fully below, SCE must respectfully object to the General Plan's proposal for the subject five streets.

Substation Conflicts

SCE's engineers have begun evaluating the proposed streets and have already identified a number of conflicts that preclude SCE from agreeing to dedicate and/or construct the proposed streets. Examples of conflicts are summarized below:

- SCE's 2045 Pathways White Paper is an analysis performed by SCE of the need for (in pertinent part) future transmission lines between SCE's Lugo Substation and the Rancho Vista Substation. Development of the new streets would preclude SCE from installing new towers or other infrastructure in their intended areas to provide the necessary power to support the City's projected growth. This analysis also identified the need for new transmission lines between SCE's Lugo Substation (in Hesperia) and Rancho Vista Substation. The proposed streets would interfere with tower or pole placements and other infrastructure that will be needed for those upgrades as well.
- SCE has a number of connective systems onsite. The installation of the new streets will likely cause clearance issues both with regard to the clearance between structures (e.g., poles and towers being forced to locate too close to onsite or adjacent structures) and aerial clearance issues given potential changes in terrain and elevation. Impacted facilities include SCE's Mira Loma-Rancho Vista 500kV transmission line; Padua-Rancho Vista No. 1 & No. 2 220kV transmission line; Etiwanda-Arbors-Forge-Reduction 66kV electrical line; Etiwanda-Archline-Cucamonga-Genamic 66kV; Fields 12kV underground).

- Facilitating vehicular ingress and egress through SCE’s site jeopardizes SCE’s ability to secure its facilities and may necessitate SCE implementing additional security measures. In our experience, jurisdictions frequently express concern regarding the development of gates, walls, barbed wire, and other forms of access barriers and restrictions.
- SCE notes there is an approximate grade separation of 10 feet between an adjacent property owned by IEUA and SCE’s property which would add considerable difficulty to the construction of the proposed streets and would likely require an even greater dedication of property to accommodate their installation.
- SCE’s forecast plans call for 30 GW of utility scale energy storage. The proposed streets would also interfere with the siting of these facilities onsite.

For the City’s convenience, a map of SCE’s existing above and underground systems and facilities is included as **Attachment “1”**. The attachment overlays SCE’s systems onto the map of the proposed streets provided by the City to further illustrate these conflicts. Because, development of the streets would necessitate a reconfiguration of SCE’s substations and relocation of transmission towers and underground conduit, SCE cannot dedicate nor construct the streets.

SCE’s Ongoing Use of the Substations/No Plans to Vacate or Install New Streets

The use of General Plan amendments to facilitate the development of future streets requires the cooperation of property owners and/or the City’s ultimate exercise of its powers of eminent domain. In the normal course, a developer subject to the General Plan would be required to align any proposed development with the General Plan requirements and otherwise dedicate and/or provide the subject streets to the City.¹ In contrast to other property owners, SCE is a public utility and its transmission and distribution systems coupled with both the substations and peaker plant are public uses that are exempt from discretionary review and application of the City’s General Plan and Zoning Code. *See*, California Public Utilities Commission General Order 131-D, Section XIV(B) (“This General Order clarifies that local jurisdictions acting pursuant to local authority are preempted from regulating electric power line projects, distribution lines, substations, or electric facilities constructed by public utilities subject to the Commission’s jurisdiction.”). SCE is only required to obtain ministerial permits from the City and to generally consult with the City regarding land use matters.

The City’s staff appeared to recognize that SCE’s electrical systems (including the substations and peaker plant) are not subject to discretionary permitting—which would include application of the City’s General Plan and Zoning Code. It therefore follows that the streets called for on the General Plan Amendment Map would either necessitate SCE’s agreement to voluntarily dedicate right of way to the City or the City may attempt to condemn. The City’s staff clarified

¹ Alternatively, a property owner may elect to challenge both the General Plan Amendment or conditions of development as being an unlawful taking. The requirement for the subject streets appears to constitute a taking because it is not calibrated to mitigate traffic impacts generated by SCE’s historic development of the property or its planned future development of additional training facilities (see below).

that there are no plans to condemn SCE's property. Therefore, development of the streets would require SCE's voluntary agreement to dedicate and/or develop the streets or SCE's sale of the site to a non-utility developer. SCE has previously and respectfully confirmed that it will not agree to dedicate rights of way for the subject streets because doing so would both undermine SCE's existing facilities and prevent SCE from expanding or enlarging its substations to accommodate future growth in the City.²

SCE's Proposed Training Center

SCE will be submitting plans for the approval of an SCE training center to the City shortly. The training center will be utilized solely for SCE to train its planning, operations, and emergency-response staff to utilize and implement substation monitoring equipment. Although the training center will not be open to the public, SCE notes that the center will result in considerable jobs and tax revenue to the City without creating any significant or discernable impacts.

SCE's project team was also encouraged that the City understands the distinction between SCE's proposed use of an employee training center as opposed to a for-profit technical trade school.³ Nevertheless, SCE understands that the City will require SCE to undergo site plan review (a discretionary approval). If the General Plan were to be amended, SCE understands that the City's staff would then recommend that the City Council deny site plan approval unless SCE agrees to dedicate and/or develop the streets.

As discussed on our call, there may be disagreement as to whether SCE's employee training center is simply an accessory component to the substation and therefore exempt from discretionary review pursuant to General Order 131-D. Nevertheless, application of the requirement to dedicate or build the subject streets would render the training center unbuildable because it would significantly reduce the usable area for the parcel both limiting SCE's ability to build the training center itself, requires the relocation of existing substation facilities, and would further restrict SCE's ability to upgrade its substations and peaker plant to serve growth in the City. If SCE is ultimately unsuccessful in pursuing relief against the imposition of conditions that it dedicate and/or construct the streets, it will be required to build the training center elsewhere. Put simply, the City does not have a "hook" upon which it may mandate development of the streets.

While SCE has and will continue to partner with the City to ensure (among other things) improvements to vehicular and pedestrian access, SCE also has a duty to our ratepayers to protect our operational property. In addition to being unlawful, it is entirely inequitable both to SCE and our ratepayers to exact the dedication of right of way for 5 new streets in and around our properties. This is so because the cumulative traffic impacts associated with largely unmanned SCE substations, peaker plant, and irregularly staffed training center are nominal and do not justify the City's requirement for the dedication and/or construction of 5 new streets on its operational property.

² The City's staff noted on our call that SCE may sell its parcel in the future and at that point, a future developer may then be required to add the proposed streets. SCE has no short or long-term plans to remove its expansive network of facilities that include the substations, peaker plant, and transmission lines serving our customers in the City. In fact, SCE's long-term plans (through 2045) require both the use and eventual expansion of the substations.

³ In sharp contrast to a for-profit trade school, the subject site would not be open to the public and we thank the City for its recognition that the training center is fundamentally an accessory use to the substation and peaker plant.

SCE trusts that the inclusion of inventory maps, and explanation of the existing and future site conflicts between SCE's existing and future facilities will prompt the City's staff to eliminate the proposed streets from the General Plan Amendment. In addition, the SCE team will be in touch with your office to schedule a COVID friendly outdoor tour and inspection of the site to give the City's staff a clearer perspective on site challenges that make development of the streets entirely impractical.

Once again, thank you for considering our position. We look forward to meeting with the City's staff onsite. In the interim, please feel free to contact me should you need any additional information in furtherance of your review.

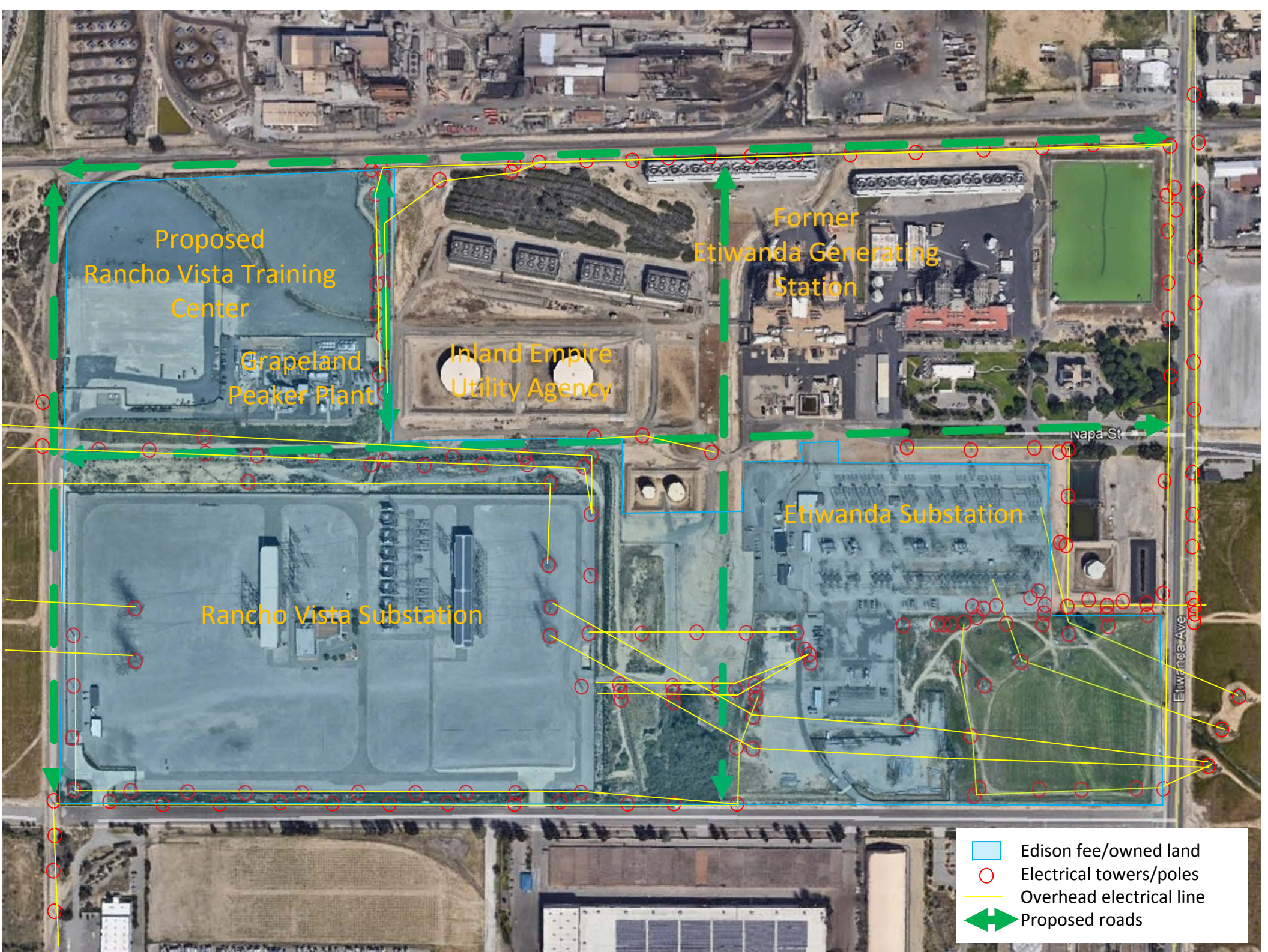
Sincerely,

SOUTHERN CALIFORNIA EDISON

Virginia Loufek

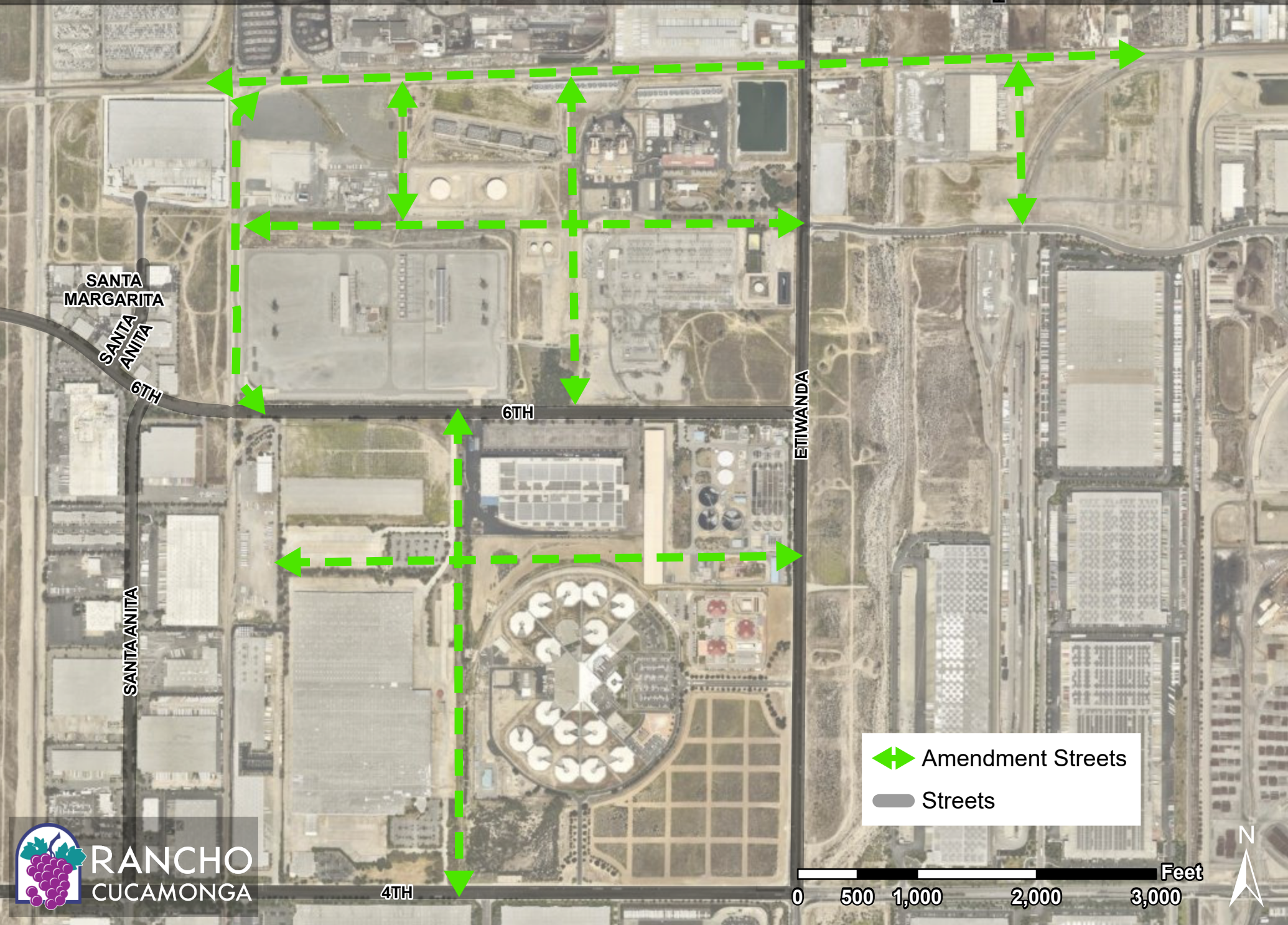
Virginia Loufek
SCE Corporate Real Estate

Attachment 1



Attachment 2

Possible General Plan Amendment Streets



SANTA MARGARITA
SANTA ANITA

SANTA ANITA

6TH

6TH

ETTIWANDA

PEÑON

4TH

↔ Amendment Streets
— Streets

0 500 1,000 2,000 3,000 Feet



Attachment 3

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

**RESOLUTION E-4923
March 22, 2018**

R E S O L U T I O N

Resolution E-4923. Southern California Edison Company Request for Two Easement Agreements with CRP Oakmont, LLC and the City of Rancho Cucamonga pursuant to Advice Letter 3698-E.

PROPOSED OUTCOME:

- This Resolution approves Southern California Edison Company's (SCE) Advice Letter (AL) 3698-E with an effective date of today. SCE proposes to grant two Easement Agreements (Agreements) to CRP Oakmont Santa Anita, LLC (Oakmont) and the City of Rancho Cucamonga (City).

SAFETY CONSIDERATIONS:

- There are no specific safety concerns with this transaction.

ESTIMATED COST:

- A request for authority to enter into transactions pursuant to General Order (GO) 173 requires the filing of cost information. SCE will receive \$271,747.00 from Oakmont as payment for both of the easements subject to this transaction.

By Advice Letter 3698-E, filed on November 17, 2017.

SUMMARY

This Resolution approves SCE's AL 3698-E, with an effective date of today. On November 17, 2017, SCE filed Advice Letter 3698-E requesting approval under GO 173 and Public Utilities Code Section 851 to enter into two Easement Agreements with CRP Oakmont Santa Anita, LLC and the City of Rancho Cucamonga. The Easement Agreements will allow Oakmont and the City to extend Santa Anita Avenue and to construct an emergency access road across SCE property. SCE has reviewed the City's plans and has determined that the encroaching facilities will neither impede SCE's ability to access, maintain,

repair, and replace its facilities within SCE property; nor will they interfere with SCE's safe and reliable operations.

BACKGROUND

SCE filed Advice Letter 3698-E on November 17, 2017, requesting approval for two Easement Agreements with CRP Oakmont Santa Anita, LLC and the City of Rancho Cucamonga. The City and Oakmont are seeking two easements with SCE in order to extend Santa Anita Avenue and to construct an emergency access road across SCE property. There are four electric transmission tower lines and seventeen electric poles that traverse the property.

This project is being undertaken by Oakmont as the developer. The extension of Santa Anita Avenue and the construction of an emergency access road are conditions of development imposed by the City for the Oakmont Warehouse project. The City of Rancho Cucamonga prepared an Initial Study Mitigated Negative Declaration (MND) for the project, and a Notice of Intent and a Draft MND were distributed for 30 days of comment on April 22, 2016, pursuant to CEQA Guidelines (SCH#2016041071). The City adopted the MND on June 28, 2017. A Notice of Determination was filed with the San Bernardino County Clerk on June 30, 2017.

Pursuant to D.99-09-070 (affirmed in Resolution E-3639), the two easements are considered passive revenue: according to the adopted Gross Revenue Sharing Mechanism for certain Other Operating Revenue, the gross revenue is allocated 70 percent to shareholders and 30 percent to ratepayers.

NOTICE

Notice of AL 3698-E was made by publication in the Commission's Daily Calendar. SCE states that AL3698-E was filed in accordance with the noticing requirements of both General Order 173 and General Order 96-B.

PROTESTS

There were no protests to SCE Advice Letter 3698-E.

DISCUSSION

The Commission has reviewed SCE AL 3698-E and the attached materials relating to the CEQA process as prepared by the City of Rancho Cucamonga. The Commission has determined that the documents comply with the requirements of the California Environmental Quality Act. The Commission finds that SCE's AL 3698-E request for approval was made in accordance with the streamlined procedure adopted by the Commission in General Order 173 and Public Utilities Code Section 851. The Commission finds that the relief requested in AL 3698-E is not adverse to the public interest and should be granted.

COMMENTS

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to PU Code 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

FINDINGS

1. On November 17, 2017, SCE filed Advice Letter 3698-E to enter into two Easement Agreements with CRP Oakmont Santa Anita, LLC and the City of Rancho Cucamonga under General Order 173 and Public Utilities Code Section 851.
2. The City of Rancho Cucamonga and Oakmont require the two Easement Agreements with SCE in order to extend Santa Anita Avenue and to construct an emergency access road across SCE property.
3. SCE states that it has reviewed the encroaching facilities and has determined that they will not interfere with SCE's operations or SCE's ability to provide safe and reliable utility services to its customers. Approval of this transaction will not impair SCE's provision of utility service.
4. There are no specific safety concerns with this transaction.
5. SCE will receive \$271,747.00 from Oakmont as payment for both of the easements subject to this transaction.

6. The proceeds from the two easements are considered passive Other Operating Revenue: the gross revenue is therefore allocated 70 percent to shareholders and 30 percent to ratepayers.
7. The City of Rancho Cucamonga prepared an Initial Study Mitigated Negative Declaration (MND) for the project, and a Notice of Intent and a Draft MND were distributed for 30 days of comment on April 22, 2016, pursuant to CEQA Guidelines.
8. The City adopted the MND on June 28, 2017. A Notice of Determination was filed with the San Bernardino County Clerk on June 30, 2017.
9. The Commission has reviewed SCE AL 3698-E and the associated documentation filed with the AL and has determined that the documents comply with the requirements of the California Environmental Quality Act.
10. SCE Advice Letter 3698-E complies with the streamlined procedures adopted by the Commission in General Order 173.
11. The Commission finds that the relief requested in AL 3698-E is not adverse to the public interest and should be granted.

THEREFORE IT IS ORDERED THAT:

1. The request of Southern California Edison Company in AL 3698-E for approval to enter into two Easement Agreements with CRP Oakmont Santa Anita, LLC and the City of Rancho Cucamonga is approved.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held March 22, 2018; the following Commissioners voting favorably thereon:

/s/ ALICE STEBBINS
ALICE STEBBINS
Executive Director

MICHAEL PICKER
President
CARLA J. PETERMAN
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
Commissioners



November 11, 2020

Chairman Tony Guglielmo
Planning Commission
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Re: Impact of Proposed Amendment to City General Plan on Southern California Edison's Rancho Vista Substation (12408-6th Street) and Associated Training Center Plans

Dear Chairman Guglielmo and Members of the Rancho Cucamonga Planning Commission:

On behalf of Southern California Edison (SCE), thank you and representatives of the City of Rancho Cucamonga (City) for considering our proposal for a SCE Training Center (project) in Rancho Cucamonga. We believe this project will bring an exciting and positive development to the Southeast Industrial Quadrant (SEIQ) of the City. We have received confirmation from the Planning Department that our Training Center is an approved accessory use to our existing Substation, and that Staff is supportive of our project.

As outlined in the attached Letter submitted to the City Manager and Planning Department, SCE objects to the proposed street network presented in the General Plan Amendment. The proposed street network bifurcates our property and will render our project unworkable. We have demonstrated to Staff that our project can provide the required emergency access without the installation of public streets around our site. Staff has not provided us with any reasonable explanation as to why SCE would be required to dedicate land to a street network that would adversely affect our electrical infrastructure and our proposed project. **Note that this electrical infrastructure is the network that provides electrical service to the City and beyond.**

We also would like to mention that we have an upcoming site meeting with the City Managers and City Engineer scheduled for November 17th to tour our property so that they can observe the extent of existing electrical infrastructure surrounding our substation. We feel that it is premature for City Staff to propose this street network and bring forth a General Plan Amendment without a full understanding of what the area looks like. Once they've had a chance to tour the area, they will understand why this proposed street network does not work and will most likely never be implemented during SCE's ownership of the land. Moreover, because the subject properties are viewed as a critical component of SCE's short and long-term (minimum of 25 year) planning efforts. Therefore, SCE has no intention of vacating the property.

Once again, thank you for considering our position. Please feel free to contact me should you need any additional information in furtherance of your review.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a large loop and a trailing flourish.

Mark Cloud, Government Relations Manager
Southern California Edison

CC John Gillison, City Manager
Matt Burris, Assistant City Manager
Janice Reynolds, City Clerk

Attachment



September 29, 2020

Mr. John R. Gillison, City Manager
Mr. Matt Burris, Deputy City Manager
Mr. Mike Smith, Principal Planner
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Re: Impact of Proposed Amendment to City General Plan on Southern California Edison's Rancho Vista Substation (12408-6th Street) and Associated Training Center Plans

Dear Messrs. Gillison, Burris, and Smith:

On behalf of Southern California Edison (SCE), thank you and representatives of the City of Rancho Cucamonga (City's) staff for meeting with our SCE project team on August 5th. As you know, the City's planning staff is in the process of developing amendments to the City's General Plan. In pertinent part, the proposed amendments require the eventual development of a series of new streets that would bifurcate SCE's property located northwest of the intersection of 6th Street and Etiwanda Avenue. During our meeting, the City's staff advised SCE that it does not have a complete inventory of the facilities SCE maintains on its property and expressed a willingness to revisit its proposal given SCE's assertion that the proposed streets will interfere with SCE substations and peaker plant. Due to the potential interference, SCE believes it is highly unlikely that the subject streets will ever be dedicated or built. The purpose of this letter is therefore to provide the City with information regarding SCE's ongoing use of its property that render development of the streets impractical and to request that the City either eliminate the streets from consideration or harmonize the proposed General Plan Amendment with SCE's long-term use of the property. SCE also respectfully requests that this letter be added to the record of any proceedings by the City on the proposed General Plan amendment.

Overview of SCE's Property

SCE owns several parcels of property in the immediate area. The proposed amendments largely impact two parcels housing SCE's Rancho Vista Substation, Etiwanda Substation, and Grapeland peaker plant. The parcels containing the substations and peaker plant are "L" shaped and are located just northwest of the intersection of Etiwanda Avenue and 6th Street. These substations are an integral component of SCE's transmission system and are utilized to receive, transmit, and distribute electricity to SCE's customers in the region (including the City itself). The associated peaker plant is designed to ensure the continuous supply of electricity by temporarily generating electricity at certain times of "peak" electrical demand. It is evident that SCE took the

City's planning concerns into account when it originally acquired its property for these purposes as the site is situated within a corridor of industrial uses that is also abutted by several railroad tracks.

As further evidence of the critical nature of the facilities, please note that the substations and peaker plant are integrated with each other and SCE's transmission and distribution grid through a series of electrical transmission and distribution towers, lines, cables, and above and below ground conduit. The substations send and receive power through a series of high-voltage transmission lines supported by towers virtually surrounding the site. For the City's convenience, an inventory and diagrams of these facilities are included as **Attachment "1"** to this letter.

Proposed General Plan Amendment

SCE understands that the City intends to amend its General Plan to (in pertinent part) require the development of five new streets partially situated on SCE's property. The City's draft diagram illustrating these streets is included as **Attachment "2"** to this letter. As discussed more fully below, the five proposed streets would bifurcate SCE's property in both a north-south and east-west direction.

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SCE will be submitting plans for the approval of an SCE training center to the City shortly. The training center will be utilized solely for SCE to train its planning, operations, and emergency-response staff to utilize and implement substation monitoring equipment. Although the training center will not be open to the public, SCE notes that the center will result in considerable jobs and tax revenue to the City without creating any significant or discernable impacts.

SCE's project team was also encouraged that the City understands the distinction between SCE's proposed use of an employee training center as opposed to a for-profit technical trade school.³ Nevertheless, SCE understands that the City will require SCE to undergo site plan review (a discretionary approval). If the General Plan were to be amended, SCE understands that the City's staff would then recommend that the City Council deny site plan approval unless SCE agrees to dedicate and/or develop the streets.

As discussed on our call, there may be disagreement as to whether SCE's employee training center is simply an accessory component to the substation and therefore exempt from discretionary review pursuant to General Order 131-D. Nevertheless, application of the requirement to dedicate or build the subject streets would render the training center unbuildable because it would significantly reduce the usable area for the parcel both limiting SCE's ability to build the training center itself, requires the relocation of existing substation facilities, and would further restrict SCE's ability to upgrade its substations and peaker plant to serve growth in the City. If SCE is ultimately unsuccessful in pursuing relief against the imposition of conditions that it dedicate and/or construct the streets, it will be required to build the training center elsewhere. Put simply, the City does not have a "hook" upon which it may mandate development of the streets.

While SCE has and will continue to partner with the City to ensure (among other things) improvements to vehicular and pedestrian access, SCE also has a duty to our ratepayers to protect our operational property. In addition to being unlawful, it is entirely inequitable both to SCE and our ratepayers to exact the dedication of right of way for 5 new streets in and around our properties. This is so because the cumulative traffic impacts associated with largely unmanned SCE substations, peaker plant, and irregularly staffed training center are nominal and do not justify the City's requirement for the dedication and/or construction of 5 new streets on its operational property.

² The City's staff noted on our call that SCE may sell its parcel in the future and at that point, a future developer may then be required to add the proposed streets. SCE has no short or long-term plans to remove its expansive network of facilities that include the substations, peaker plant, and transmission lines serving our customers in the City. In fact, SCE's long-term plans (through 2045) require both the use and eventual expansion of the substations.

³ In sharp contrast to a for-profit trade school, the subject site would not be open to the public and we thank the City for its recognition that the training center is fundamentally an accessory use to the substation and peaker plant.

SCE trusts that the inclusion of inventory maps, and explanation of the existing and future site conflicts between SCE's existing and future facilities will prompt the City's staff to eliminate the proposed streets from the General Plan Amendment. In addition, the SCE team will be in touch with your office to schedule a COVID friendly outdoor tour and inspection of the site to give the City's staff a clearer perspective on site challenges that make development of the streets entirely impractical.

Once again, thank you for considering our position. We look forward to meeting with the City's staff onsite. In the interim, please feel free to contact me should you need any additional information in furtherance of your review.

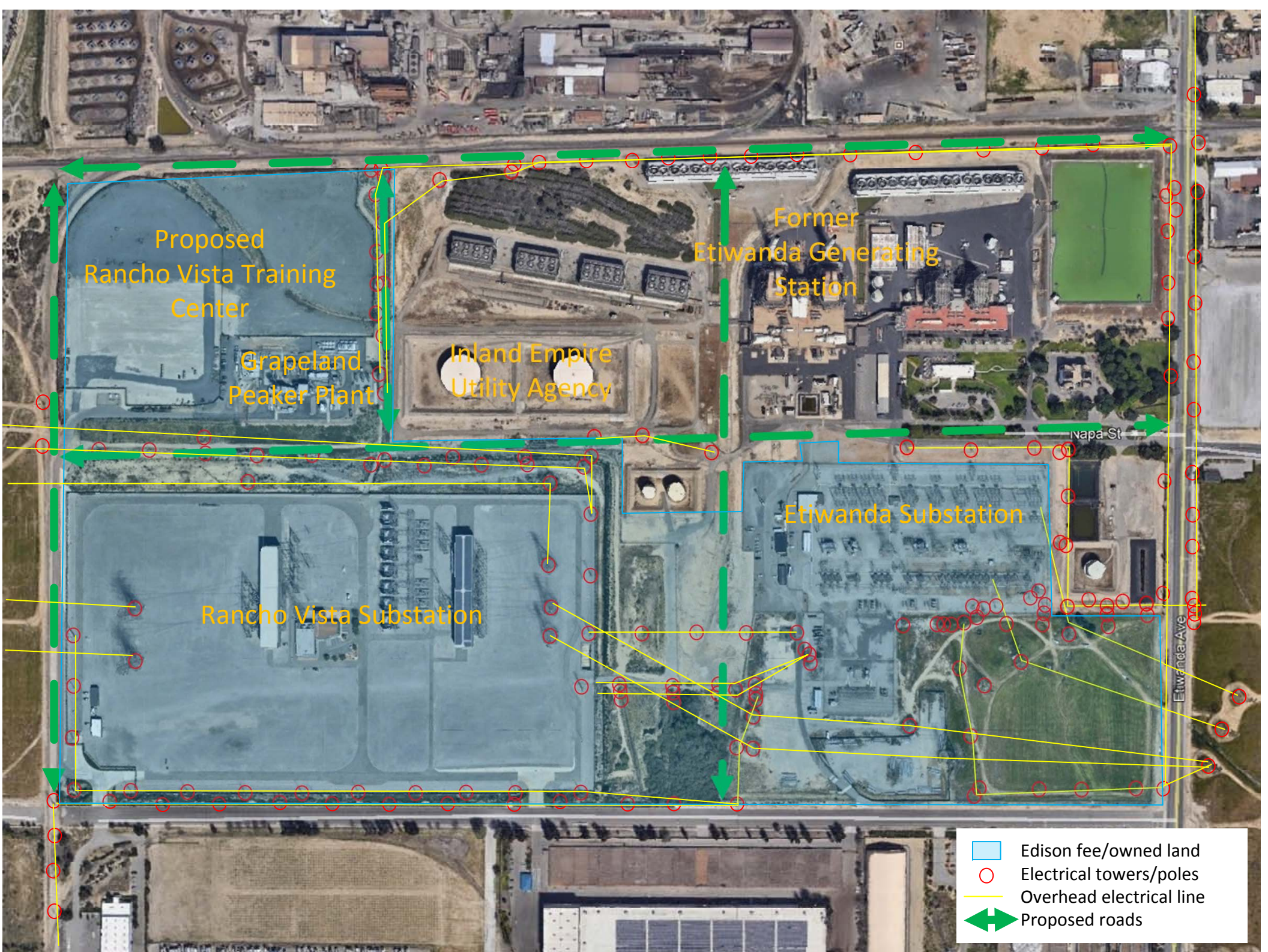
Sincerely,

SOUTHERN CALIFORNIA EDISON

Virginia Loufek

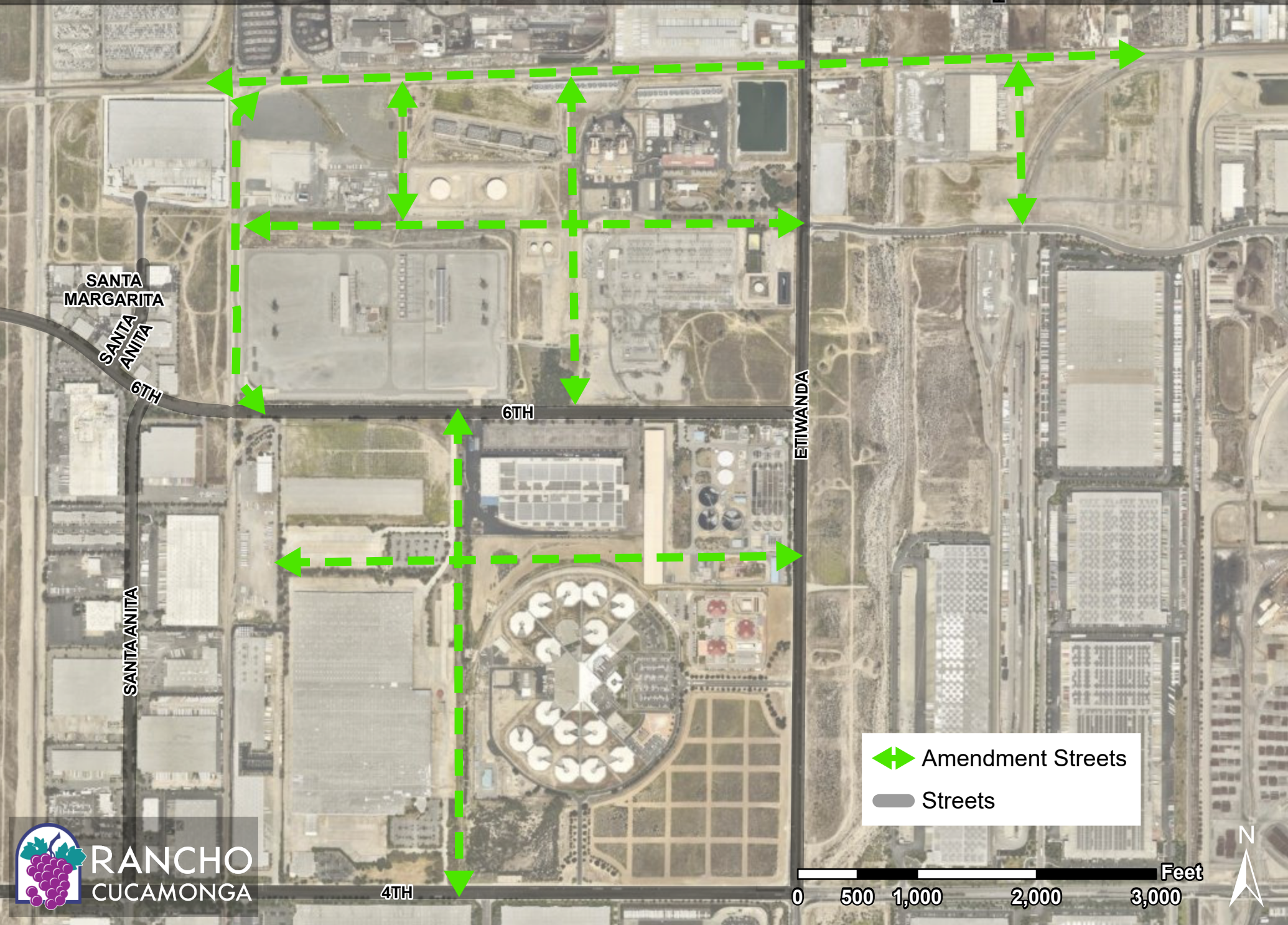
Virginia Loufek
SCE Corporate Real Estate

Attachment 1



Attachment 2

Possible General Plan Amendment Streets



SANTA MARGARITA

SANTA ANITA

6TH

SANTA ANITA

6TH

ETTIWANDA

PEÑON

4TH

↔ Amendment Streets
— Streets

0 500 1,000 2,000 3,000 Feet



Attachment 3

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

**RESOLUTION E-4923
March 22, 2018**

R E S O L U T I O N

Resolution E-4923. Southern California Edison Company Request for Two Easement Agreements with CRP Oakmont, LLC and the City of Rancho Cucamonga pursuant to Advice Letter 3698-E.

PROPOSED OUTCOME:

- This Resolution approves Southern California Edison Company's (SCE) Advice Letter (AL) 3698-E with an effective date of today. SCE proposes to grant two Easement Agreements (Agreements) to CRP Oakmont Santa Anita, LLC (Oakmont) and the City of Rancho Cucamonga (City).

SAFETY CONSIDERATIONS:

- There are no specific safety concerns with this transaction.

ESTIMATED COST:

- A request for authority to enter into transactions pursuant to General Order (GO) 173 requires the filing of cost information. SCE will receive \$271,747.00 from Oakmont as payment for both of the easements subject to this transaction.

By Advice Letter 3698-E, filed on November 17, 2017.

SUMMARY

This Resolution approves SCE's AL 3698-E, with an effective date of today. On November 17, 2017, SCE filed Advice Letter 3698-E requesting approval under GO 173 and Public Utilities Code Section 851 to enter into two Easement Agreements with CRP Oakmont Santa Anita, LLC and the City of Rancho Cucamonga. The Easement Agreements will allow Oakmont and the City to extend Santa Anita Avenue and to construct an emergency access road across SCE property. SCE has reviewed the City's plans and has determined that the encroaching facilities will neither impede SCE's ability to access, maintain,

repair, and replace its facilities within SCE property; nor will they interfere with SCE's safe and reliable operations.

BACKGROUND

SCE filed Advice Letter 3698-E on November 17, 2017, requesting approval for two Easement Agreements with CRP Oakmont Santa Anita, LLC and the City of Rancho Cucamonga. The City and Oakmont are seeking two easements with SCE in order to extend Santa Anita Avenue and to construct an emergency access road across SCE property. There are four electric transmission tower lines and seventeen electric poles that traverse the property.

This project is being undertaken by Oakmont as the developer. The extension of Santa Anita Avenue and the construction of an emergency access road are conditions of development imposed by the City for the Oakmont Warehouse project. The City of Rancho Cucamonga prepared an Initial Study Mitigated Negative Declaration (MND) for the project, and a Notice of Intent and a Draft MND were distributed for 30 days of comment on April 22, 2016, pursuant to CEQA Guidelines (SCH#2016041071). The City adopted the MND on June 28, 2017. A Notice of Determination was filed with the San Bernardino County Clerk on June 30, 2017.

Pursuant to D.99-09-070 (affirmed in Resolution E-3639), the two easements are considered passive revenue: according to the adopted Gross Revenue Sharing Mechanism for certain Other Operating Revenue, the gross revenue is allocated 70 percent to shareholders and 30 percent to ratepayers.

NOTICE

Notice of AL 3698-E was made by publication in the Commission's Daily Calendar. SCE states that AL3698-E was filed in accordance with the noticing requirements of both General Order 173 and General Order 96-B.

PROTESTS

There were no protests to SCE Advice Letter 3698-E.

DISCUSSION

The Commission has reviewed SCE AL 3698-E and the attached materials relating to the CEQA process as prepared by the City of Rancho Cucamonga. The Commission has determined that the documents comply with the requirements of the California Environmental Quality Act. The Commission finds that SCE's AL 3698-E request for approval was made in accordance with the streamlined procedure adopted by the Commission in General Order 173 and Public Utilities Code Section 851. The Commission finds that the relief requested in AL 3698-E is not adverse to the public interest and should be granted.

COMMENTS

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to PU Code 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

FINDINGS

1. On November 17, 2017, SCE filed Advice Letter 3698-E to enter into two Easement Agreements with CRP Oakmont Santa Anita, LLC and the City of Rancho Cucamonga under General Order 173 and Public Utilities Code Section 851.
2. The City of Rancho Cucamonga and Oakmont require the two Easement Agreements with SCE in order to extend Santa Anita Avenue and to construct an emergency access road across SCE property.
3. SCE states that it has reviewed the encroaching facilities and has determined that they will not interfere with SCE's operations or SCE's ability to provide safe and reliable utility services to its customers. Approval of this transaction will not impair SCE's provision of utility service.
4. There are no specific safety concerns with this transaction.
5. SCE will receive \$271,747.00 from Oakmont as payment for both of the easements subject to this transaction.

6. The proceeds from the two easements are considered passive Other Operating Revenue: the gross revenue is therefore allocated 70 percent to shareholders and 30 percent to ratepayers.
7. The City of Rancho Cucamonga prepared an Initial Study Mitigated Negative Declaration (MND) for the project, and a Notice of Intent and a Draft MND were distributed for 30 days of comment on April 22, 2016, pursuant to CEQA Guidelines.
8. The City adopted the MND on June 28, 2017. A Notice of Determination was filed with the San Bernardino County Clerk on June 30, 2017.
9. The Commission has reviewed SCE AL 3698-E and the associated documentation filed with the AL and has determined that the documents comply with the requirements of the California Environmental Quality Act.
10. SCE Advice Letter 3698-E complies with the streamlined procedures adopted by the Commission in General Order 173.
11. The Commission finds that the relief requested in AL 3698-E is not adverse to the public interest and should be granted.

THEREFORE IT IS ORDERED THAT:

1. The request of Southern California Edison Company in AL 3698-E for approval to enter into two Easement Agreements with CRP Oakmont Santa Anita, LLC and the City of Rancho Cucamonga is approved.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held March 22, 2018; the following Commissioners voting favorably thereon:

/s/ ALICE STEBBINS
ALICE STEBBINS
Executive Director

MICHAEL PICKER
President
CARLA J. PETERMAN
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
Commissioners



December 8, 2020

Chairman Tony Guglielmo
Planning Commission
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Re: Impact of Proposed Amendment to City General Plan on Southern California Edison's Rancho Vista Substation (12408-6th Street) and Associated Training Center Plans

Dear Chairman Guglielmo and Members of the Rancho Cucamonga Planning Commission:

On behalf of Southern California Edison (SCE), thank you and representatives of the City of Rancho Cucamonga (City) for considering our concerns regarding a proposed amendment to the City's General Plan regarding the requirement for new access roads. These proposed roads would bifurcate and cross over several SCE parcels. As discussed more fully in our prior correspondence of November 11, 2020 (incorporated by reference herein and enclosed herewith), SCE has objected and continues to object to the City's proposed General Plan amendment. We therefore appreciate the City's revision to its proposed General Plan amendment which we understand will facilitate SCE's submittal of plans for a new training center located at the northwest corner of SCE's property. SCE has advised the City that its plans will include a private emergency access drive running north-south on the western boundary of SCE's property. However, SCE understands that the City is attempting to facilitate a method of secondary access running north-south connecting 6th street to a proposed road running parallel to the A,T and SF Railroad to the north. For added clarity, please note that SCE only owns roughly ½ of the properties necessary to facilitate the ultimate construction of such a secondary access road.

The purpose of this letter is to confirm SCE's agreement to negotiate in good faith with the City to grant a **public** road/right of way easement to the City over a north-south road connecting 6th street to a future road running east west just south of the A,T and SF Railroad. Again, SCE does not own all the properties necessary to facilitate the completion of such a road, and such an easement would only therefore cover SCE's property. Note that the disposition of a road right-of-way easement requires the review and approval of SCE's engineering staff to ensure that such a road will not conflict with SCE's operations. In addition, SCE must submit an application to the California Public Utilities Commission (CPUC) pursuant to Public Utilities Code Section 851 for approval of the easement. The requirements for such a filing may be found in CPUC General Order 173.

In pertinent part, the CPUC will require that:

- SCE confirm it does not object to the proposed road;
- The City certifies it has performed the requisite environmental review associated with the dedication and ultimate construction of the road; and
- An explanation as to the value of the easement and method by which SCE, and by extension its ratepayers, are being compensated or the reason why SCE is not being compensated.

It should be noted that SCE has no control over the CPUC's decision making and cannot guarantee that the CPUC will approve the application, deny the application, or impose conditions that either the City or SCE deem unreasonable or unworkable.

To the extent the parties cannot come to terms on the proposed public road, SCE is also prepared to evaluate and work with the City on facilitating a private/emergency paved driveway over a portion of its site to provide secondary access from 6th street to its training center site.

We understand the City has developed or will develop text to clarify that SCE's training center project can proceed without a formal condition that it provide either the public road or alternative drive access connecting 6th Street to the proposed road running parallel to the A, T and SF railroad line. We look forward to reviewing this text. In the interim, we ask that the Planning Commission **defer** consideration of the General Plan amendment until SCE and the City have reached a conceptual agreement on these points, and we must respectfully therefore restate our objections to the continued processing of the General Plan amendment.

Sincerely,

SOUTHERN CALIFORNIA EDISON

Virginia Loufek

Virginia Loufek
SCE Corporate Real Estate

CC John Gillison, City Manager
Matt Burris, Assistant City Manager
Janice Reynolds, City Clerk

ATTACHMENT



November 11, 2020

Chairman Tony Guglielmo
Planning Commission
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Re: Impact of Proposed Amendment to City General Plan on Southern California Edison's Rancho Vista Substation (12408-6th Street) and Associated Training Center Plans

Dear Chairman Guglielmo and Members of the Rancho Cucamonga Planning Commission:

On behalf of Southern California Edison (SCE), thank you and representatives of the City of Rancho Cucamonga (City) for considering our proposal for a SCE Training Center (project) in Rancho Cucamonga. We believe this project will bring an exciting and positive development to the Southeast Industrial Quadrant (SEIQ) of the City. We have received confirmation from the Planning Department that our Training Center is an approved accessory use to our existing Substation, and that Staff is supportive of our project.

As outlined in the attached Letter submitted to the City Manager and Planning Department, SCE objects to the proposed street network presented in the General Plan Amendment. The proposed street network bifurcates our property and will render our project unworkable. We have demonstrated to Staff that our project can provide the required emergency access without the installation of public streets around our site. Staff has not provided us with any reasonable explanation as to why SCE would be required to dedicate land to a street network that would adversely affect our electrical infrastructure and our proposed project. **Note that this electrical infrastructure is the network that provides electrical service to the City and beyond.**

We also would like to mention that we have an upcoming site meeting with the City Managers and City Engineer scheduled for November 17th to tour our property so that they can observe the extent of existing electrical infrastructure surrounding our substation. We feel that it is premature for City Staff to propose this street network and bring forth a General Plan Amendment without a full understanding of what the area looks like. Once they've had a chance to tour the area, they will understand why this proposed street network does not work and will most likely never be implemented during SCE's ownership of the land. Moreover, because the subject properties are viewed as a critical component of SCE's short and long-term (minimum of 25 year) planning efforts. Therefore, SCE has no intention of vacating the property.

Once again, thank you for considering our position. Please feel free to contact me should you need any additional information in furtherance of your review.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'M' followed by a large loop and a trailing flourish.

Mark Cloud, Government Relations Manager
Southern California Edison

CC John Gillison, City Manager
Matt Burris, Assistant City Manager
Janice Reynolds, City Clerk

Attachment



September 29, 2020

Mr. John R. Gillison, City Manager
Mr. Matt Burris, Deputy City Manager
Mr. Mike Smith, Principal Planner
City of Rancho Cucamonga
10500 Civic Center Drive
Rancho Cucamonga, CA 91730

Re: Impact of Proposed Amendment to City General Plan on Southern California Edison's Rancho Vista Substation (12408-6th Street) and Associated Training Center Plans

Dear Messrs. Gillison, Burris, and Smith:

On behalf of Southern California Edison (SCE), thank you and representatives of the City of Rancho Cucamonga (City's) staff for meeting with our SCE project team on August 5th. As you know, the City's planning staff is in the process of developing amendments to the City's General Plan. In pertinent part, the proposed amendments require the eventual development of a series of new streets that would bifurcate SCE's property located northwest of the intersection of 6th Street and Etiwanda Avenue. During our meeting, the City's staff advised SCE that it does not have a complete inventory of the facilities SCE maintains on its property and expressed a willingness to revisit its proposal given SCE's assertion that the proposed streets will interfere with SCE substations and peaker plant. Due to the potential interference, SCE believes it is highly unlikely that the subject streets will ever be dedicated or built. The purpose of this letter is therefore to provide the City with information regarding SCE's ongoing use of its property that render development of the streets impractical and to request that the City either eliminate the streets from consideration or harmonize the proposed General Plan Amendment with SCE's long-term use of the property. SCE also respectfully requests that this letter be added to the record of any proceedings by the City on the proposed General Plan amendment.

Overview of SCE's Property

SCE owns several parcels of property in the immediate area. The proposed amendments largely impact two parcels housing SCE's Rancho Vista Substation, Etiwanda Substation, and Grapeland peaker plant. The parcels containing the substations and peaker plant are "L" shaped and are located just northwest of the intersection of Etiwanda Avenue and 6th Street. These substations are an integral component of SCE's transmission system and are utilized to receive, transmit, and distribute electricity to SCE's customers in the region (including the City itself). The associated peaker plant is designed to ensure the continuous supply of electricity by temporarily generating electricity at certain times of "peak" electrical demand. It is evident that SCE took the

City's planning concerns into account when it originally acquired its property for these purposes as the site is situated within a corridor of industrial uses that is also abutted by several railroad tracks.

As further evidence of the critical nature of the facilities, please note that the substations and peaker plant are integrated with each other and SCE's transmission and distribution grid through a series of electrical transmission and distribution towers, lines, cables, and above and below ground conduit. The substations send and receive power through a series of high-voltage transmission lines supported by towers virtually surrounding the site. For the City's convenience, an inventory and diagrams of these facilities are included as **Attachment "1"** to this letter.

Proposed General Plan Amendment

SCE understands that the City intends to amend its General Plan to (in pertinent part) require the development of five new streets partially situated on SCE's property. The City's draft diagram illustrating these streets is included as **Attachment "2"** to this letter. As discussed more fully below, the five proposed streets would bifurcate SCE's property in both a north-south and east-west direction.

Need For The New Streets

SCE initially understood that the City proposed the subject streets to ensure emergency access to the area. SCE subsequently resolved the City's emergency access concerns and demonstrated that there is sufficient emergency access both to SCE's parcel and adjacent parcels. SCE now understands that the City's primary planning rationale is to "open up" the area and create greater access in and through the site. Unfortunately, the subject proposal bifurcates SCE's property and places an undue burden on SCE's facilities. Moreover, SCE understands that there is sufficient traffic capacity on the existing road network such that the new roads would at best be superfluous. SCE has discussed this issue with other property owners and its own traffic engineer who has confirmed that the subject streets are not needed.

SCE's Ongoing Cooperation With the City's Planning Efforts

SCE has and will continue to partner with both the City and our customers in the City to ensure the connectivity of area streets. As a matter of course, SCE is amenable to reviewing reasonable requests for right of way dedications provided that doing so will not impact SCE's facilities or service. However, SCE must prioritize its ability to safely and reliably operate and maintain its system. Moreover, SCE must seek approval for such conveyances from the California Public Utilities Commission (CPUC) pursuant to Public Utilities Code Section 851. As part of that approval process, SCE must demonstrate that the conveyance does not interfere with SCE's operations. For example, CPUC General Order 173 requires that a utility demonstrate that an application for approval to convey rights of way made pursuant to Public Utilities Code Section 851 show that "[t]he transaction will not have an adverse effect on the public interest or on the ability of the utility to provide safe and reliable service to customers at reasonable rates."

SCE has sought and obtained approval from the CPUC to convey right of way easements supportive of private developers who have been conditioned by local governments to build or enlarge City roads. For example, in 2018 SCE obtained approval from the CPUC to grant two right of way easements to a developer in the City. These easements facilitated an expansion of Santa Anita Avenue just north of SCE's substation and ultimately allowed for the development of industrial warehouses. Following completion of the Santa Anita Avenue expansion, SCE understood that the easements would be assigned to the City. SCE understood the warehouse development was urgently needed by area businesses and has provided a significant economic benefit to the City. A copy of the CPUC's Resolution approving these easements is included as **Attachment "3"**.

In addition, SCE is working cooperatively with the City to evaluate the dedication of portions of SCE's property to support a grade separation project just east of the subject properties on Etiwanda Avenue. Where feasible, SCE will do our best to support the City with its development plans. Unfortunately, implementation of the subject proposed General Plan amendment would adversely impact both existing and reasonably foreseeable upgrades and modifications to SCE's substations. Therefore, as explained more fully below, SCE must respectfully object to the General Plan's proposal for the subject five streets.

Substation Conflicts

SCE's engineers have begun evaluating the proposed streets and have already identified a number of conflicts that preclude SCE from agreeing to dedicate and/or construct the proposed streets. Examples of conflicts are summarized below:

- SCE's 2045 Pathways White Paper is an analysis performed by SCE of the need for (in pertinent part) future transmission lines between SCE's Lugo Substation and the Rancho Vista Substation. Development of the new streets would preclude SCE from installing new towers or other infrastructure in their intended areas to provide the necessary power to support the City's projected growth. This analysis also identified the need for new transmission lines between SCE's Lugo Substation (in Hesperia) and Rancho Vista Substation. The proposed streets would interfere with tower or pole placements and other infrastructure that will be needed for those upgrades as well.
- SCE has a number of connective systems onsite. The installation of the new streets will likely cause clearance issues both with regard to the clearance between structures (e.g., poles and towers being forced to locate too close to onsite or adjacent structures) and aerial clearance issues given potential changes in terrain and elevation. Impacted facilities include SCE's Mira Loma-Rancho Vista 500kV transmission line; Padua-Rancho Vista No. 1 & No. 2 220kV transmission line; Etiwanda-Arbors-Forge-Reduction 66kV electrical line; Etiwanda-Archline-Cucamonga-Genamic 66kV; Fields 12kV underground).

- Facilitating vehicular ingress and egress through SCE’s site jeopardizes SCE’s ability to secure its facilities and may necessitate SCE implementing additional security measures. In our experience, jurisdictions frequently express concern regarding the development of gates, walls, barbed wire, and other forms of access barriers and restrictions.
- SCE notes there is an approximate grade separation of 10 feet between an adjacent property owned by IEUA and SCE’s property which would add considerable difficulty to the construction of the proposed streets and would likely require an even greater dedication of property to accommodate their installation.
- SCE’s forecast plans call for 30 GW of utility scale energy storage. The proposed streets would also interfere with the siting of these facilities onsite.

For the City’s convenience, a map of SCE’s existing above and underground systems and facilities is included as **Attachment “1”**. The attachment overlays SCE’s systems onto the map of the proposed streets provided by the City to further illustrate these conflicts. Because, development of the streets would necessitate a reconfiguration of SCE’s substations and relocation of transmission towers and underground conduit, SCE cannot dedicate nor construct the streets.

SCE’s Ongoing Use of the Substations/No Plans to Vacate or Install New Streets

The use of General Plan amendments to facilitate the development of future streets requires the cooperation of property owners and/or the City’s ultimate exercise of its powers of eminent domain. In the normal course, a developer subject to the General Plan would be required to align any proposed development with the General Plan requirements and otherwise dedicate and/or provide the subject streets to the City.¹ In contrast to other property owners, SCE is a public utility and its transmission and distribution systems coupled with both the substations and peaker plant are public uses that are exempt from discretionary review and application of the City’s General Plan and Zoning Code. *See*, California Public Utilities Commission General Order 131-D, Section XIV(B) (“This General Order clarifies that local jurisdictions acting pursuant to local authority are preempted from regulating electric power line projects, distribution lines, substations, or electric facilities constructed by public utilities subject to the Commission’s jurisdiction.”). SCE is only required to obtain ministerial permits from the City and to generally consult with the City regarding land use matters.

The City’s staff appeared to recognize that SCE’s electrical systems (including the substations and peaker plant) are not subject to discretionary permitting—which would include application of the City’s General Plan and Zoning Code. It therefore follows that the streets called for on the General Plan Amendment Map would either necessitate SCE’s agreement to voluntarily dedicate right of way to the City or the City may attempt to condemn. The City’s staff clarified

¹ Alternatively, a property owner may elect to challenge both the General Plan Amendment or conditions of development as being an unlawful taking. The requirement for the subject streets appears to constitute a taking because it is not calibrated to mitigate traffic impacts generated by SCE’s historic development of the property or its planned future development of additional training facilities (see below).

that there are no plans to condemn SCE's property. Therefore, development of the streets would require SCE's voluntary agreement to dedicate and/or develop the streets or SCE's sale of the site to a non-utility developer. SCE has previously and respectfully confirmed that it will not agree to dedicate rights of way for the subject streets because doing so would both undermine SCE's existing facilities and prevent SCE from expanding or enlarging its substations to accommodate future growth in the City.²

SCE's Proposed Training Center

SCE will be submitting plans for the approval of an SCE training center to the City shortly. The training center will be utilized solely for SCE to train its planning, operations, and emergency-response staff to utilize and implement substation monitoring equipment. Although the training center will not be open to the public, SCE notes that the center will result in considerable jobs and tax revenue to the City without creating any significant or discernable impacts.

SCE's project team was also encouraged that the City understands the distinction between SCE's proposed use of an employee training center as opposed to a for-profit technical trade school.³ Nevertheless, SCE understands that the City will require SCE to undergo site plan review (a discretionary approval). If the General Plan were to be amended, SCE understands that the City's staff would then recommend that the City Council deny site plan approval unless SCE agrees to dedicate and/or develop the streets.

As discussed on our call, there may be disagreement as to whether SCE's employee training center is simply an accessory component to the substation and therefore exempt from discretionary review pursuant to General Order 131-D. Nevertheless, application of the requirement to dedicate or build the subject streets would render the training center unbuildable because it would significantly reduce the usable area for the parcel both limiting SCE's ability to build the training center itself, requires the relocation of existing substation facilities, and would further restrict SCE's ability to upgrade its substations and peaker plant to serve growth in the City. If SCE is ultimately unsuccessful in pursuing relief against the imposition of conditions that it dedicate and/or construct the streets, it will be required to build the training center elsewhere. Put simply, the City does not have a "hook" upon which it may mandate development of the streets.

While SCE has and will continue to partner with the City to ensure (among other things) improvements to vehicular and pedestrian access, SCE also has a duty to our ratepayers to protect our operational property. In addition to being unlawful, it is entirely inequitable both to SCE and our ratepayers to exact the dedication of right of way for 5 new streets in and around our properties. This is so because the cumulative traffic impacts associated with largely unmanned SCE substations, peaker plant, and irregularly staffed training center are nominal and do not justify the City's requirement for the dedication and/or construction of 5 new streets on its operational property.

² The City's staff noted on our call that SCE may sell its parcel in the future and at that point, a future developer may then be required to add the proposed streets. SCE has no short or long-term plans to remove its expansive network of facilities that include the substations, peaker plant, and transmission lines serving our customers in the City. In fact, SCE's long-term plans (through 2045) require both the use and eventual expansion of the substations.

³ In sharp contrast to a for-profit trade school, the subject site would not be open to the public and we thank the City for its recognition that the training center is fundamentally an accessory use to the substation and peaker plant.

SCE trusts that the inclusion of inventory maps, and explanation of the existing and future site conflicts between SCE's existing and future facilities will prompt the City's staff to eliminate the proposed streets from the General Plan Amendment. In addition, the SCE team will be in touch with your office to schedule a COVID friendly outdoor tour and inspection of the site to give the City's staff a clearer perspective on site challenges that make development of the streets entirely impractical.

Once again, thank you for considering our position. We look forward to meeting with the City's staff onsite. In the interim, please feel free to contact me should you need any additional information in furtherance of your review.

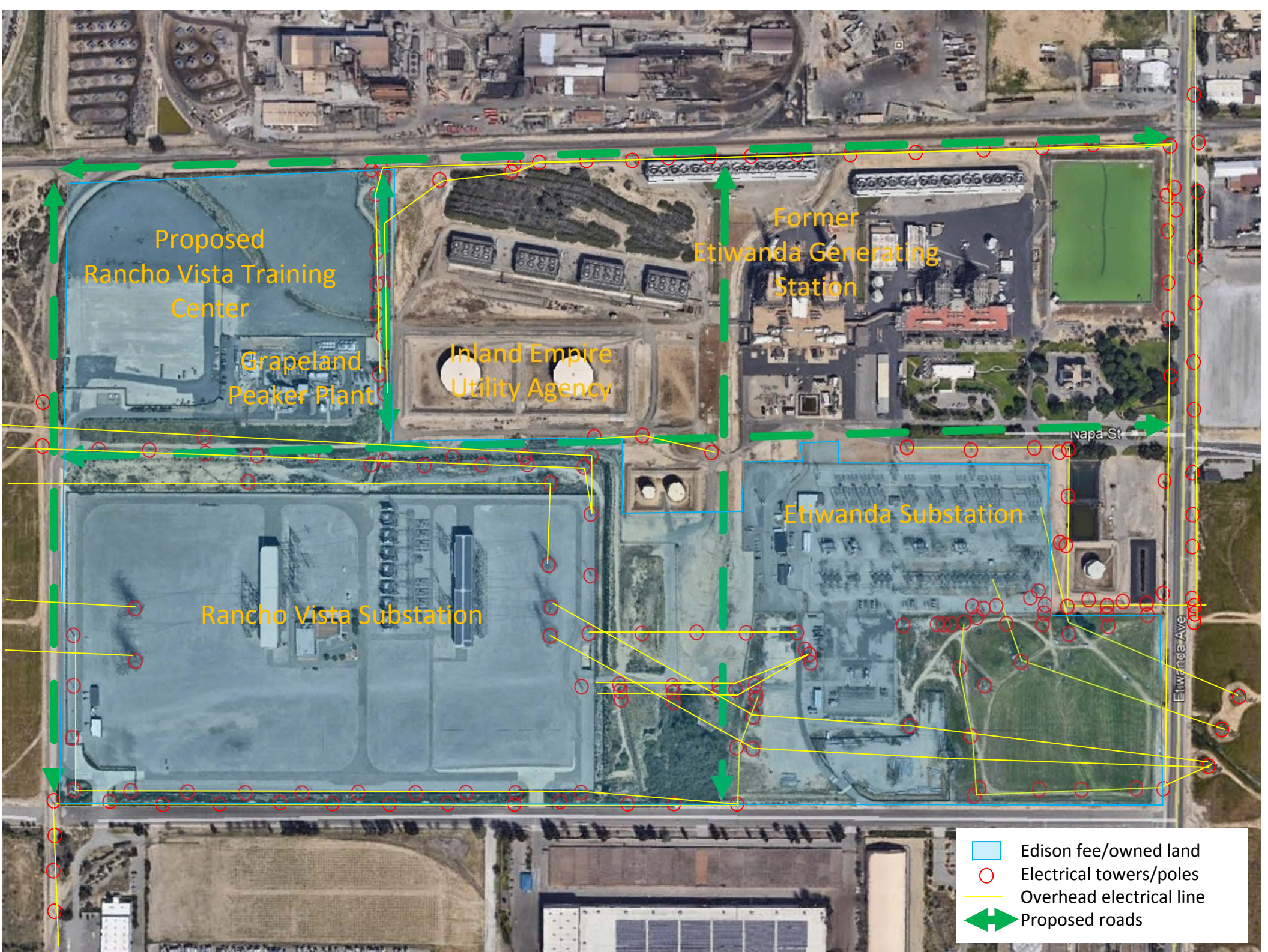
Sincerely,

SOUTHERN CALIFORNIA EDISON

Virginia Loufek

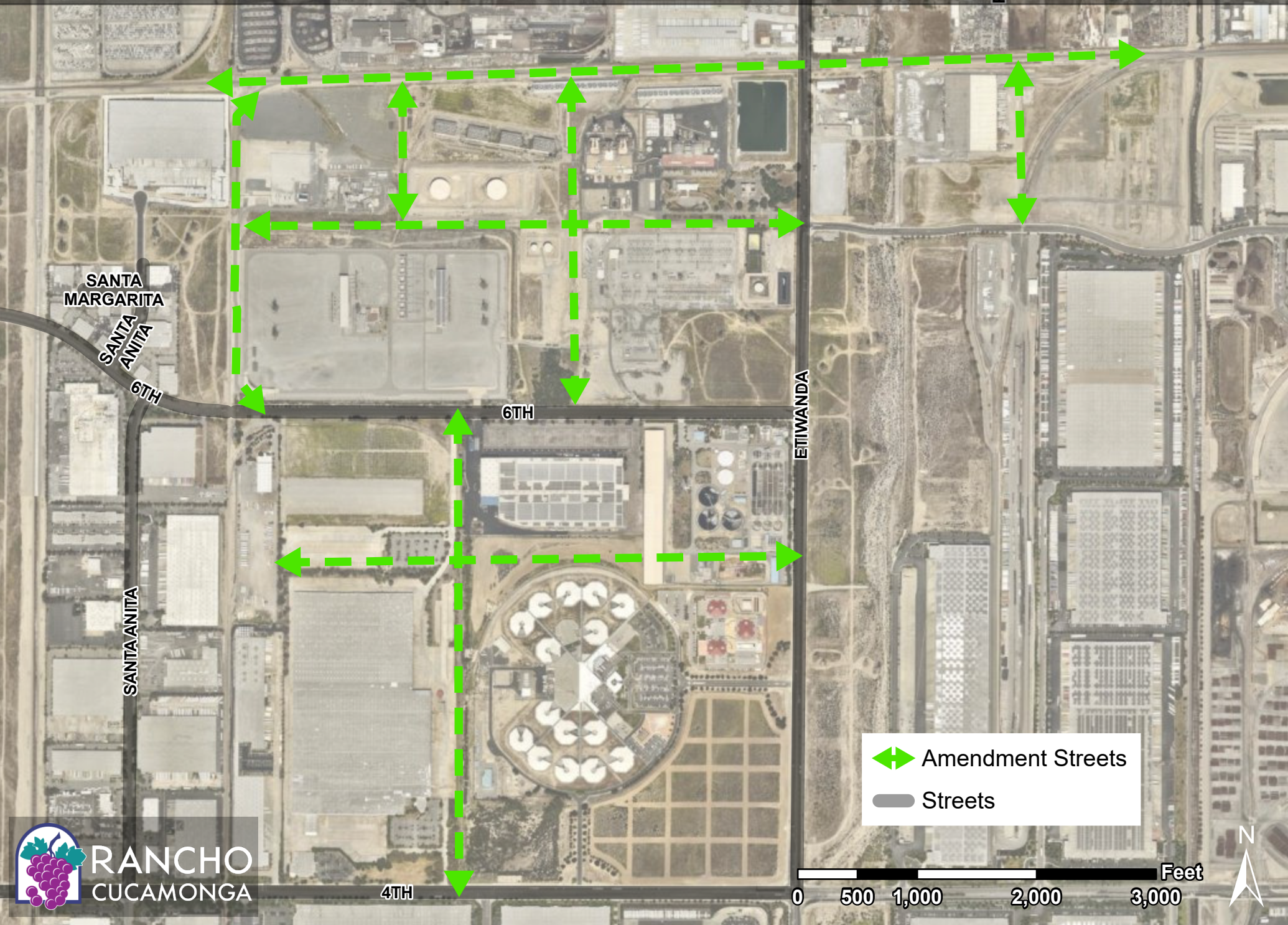
Virginia Loufek
SCE Corporate Real Estate

Attachment 1



Attachment 2

Possible General Plan Amendment Streets



SANTA MARGARITA
SANTA ANITA

6TH

SANTA ANITA

6TH

ETTIWANDA

PEÑON

4TH

↔ Amendment Streets
— Streets



0 500 1,000 2,000 3,000 Feet



Attachment 3

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

**RESOLUTION E-4923
March 22, 2018**

R E S O L U T I O N

Resolution E-4923. Southern California Edison Company Request for Two Easement Agreements with CRP Oakmont, LLC and the City of Rancho Cucamonga pursuant to Advice Letter 3698-E.

PROPOSED OUTCOME:

- This Resolution approves Southern California Edison Company's (SCE) Advice Letter (AL) 3698-E with an effective date of today. SCE proposes to grant two Easement Agreements (Agreements) to CRP Oakmont Santa Anita, LLC (Oakmont) and the City of Rancho Cucamonga (City).

SAFETY CONSIDERATIONS:

- There are no specific safety concerns with this transaction.

ESTIMATED COST:

- A request for authority to enter into transactions pursuant to General Order (GO) 173 requires the filing of cost information. SCE will receive \$271,747.00 from Oakmont as payment for both of the easements subject to this transaction.

By Advice Letter 3698-E, filed on November 17, 2017.

SUMMARY

This Resolution approves SCE's AL 3698-E, with an effective date of today. On November 17, 2017, SCE filed Advice Letter 3698-E requesting approval under GO 173 and Public Utilities Code Section 851 to enter into two Easement Agreements with CRP Oakmont Santa Anita, LLC and the City of Rancho Cucamonga. The Easement Agreements will allow Oakmont and the City to extend Santa Anita Avenue and to construct an emergency access road across SCE property. SCE has reviewed the City's plans and has determined that the encroaching facilities will neither impede SCE's ability to access, maintain,

repair, and replace its facilities within SCE property; nor will they interfere with SCE's safe and reliable operations.

BACKGROUND

SCE filed Advice Letter 3698-E on November 17, 2017, requesting approval for two Easement Agreements with CRP Oakmont Santa Anita, LLC and the City of Rancho Cucamonga. The City and Oakmont are seeking two easements with SCE in order to extend Santa Anita Avenue and to construct an emergency access road across SCE property. There are four electric transmission tower lines and seventeen electric poles that traverse the property.

This project is being undertaken by Oakmont as the developer. The extension of Santa Anita Avenue and the construction of an emergency access road are conditions of development imposed by the City for the Oakmont Warehouse project. The City of Rancho Cucamonga prepared an Initial Study Mitigated Negative Declaration (MND) for the project, and a Notice of Intent and a Draft MND were distributed for 30 days of comment on April 22, 2016, pursuant to CEQA Guidelines (SCH#2016041071). The City adopted the MND on June 28, 2017. A Notice of Determination was filed with the San Bernardino County Clerk on June 30, 2017.

Pursuant to D.99-09-070 (affirmed in Resolution E-3639), the two easements are considered passive revenue: according to the adopted Gross Revenue Sharing Mechanism for certain Other Operating Revenue, the gross revenue is allocated 70 percent to shareholders and 30 percent to ratepayers.

NOTICE

Notice of AL 3698-E was made by publication in the Commission's Daily Calendar. SCE states that AL3698-E was filed in accordance with the noticing requirements of both General Order 173 and General Order 96-B.

PROTESTS

There were no protests to SCE Advice Letter 3698-E.

DISCUSSION

The Commission has reviewed SCE AL 3698-E and the attached materials relating to the CEQA process as prepared by the City of Rancho Cucamonga. The Commission has determined that the documents comply with the requirements of the California Environmental Quality Act. The Commission finds that SCE's AL 3698-E request for approval was made in accordance with the streamlined procedure adopted by the Commission in General Order 173 and Public Utilities Code Section 851. The Commission finds that the relief requested in AL 3698-E is not adverse to the public interest and should be granted.

COMMENTS

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to PU Code 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

FINDINGS

1. On November 17, 2017, SCE filed Advice Letter 3698-E to enter into two Easement Agreements with CRP Oakmont Santa Anita, LLC and the City of Rancho Cucamonga under General Order 173 and Public Utilities Code Section 851.
2. The City of Rancho Cucamonga and Oakmont require the two Easement Agreements with SCE in order to extend Santa Anita Avenue and to construct an emergency access road across SCE property.
3. SCE states that it has reviewed the encroaching facilities and has determined that they will not interfere with SCE's operations or SCE's ability to provide safe and reliable utility services to its customers. Approval of this transaction will not impair SCE's provision of utility service.
4. There are no specific safety concerns with this transaction.
5. SCE will receive \$271,747.00 from Oakmont as payment for both of the easements subject to this transaction.

6. The proceeds from the two easements are considered passive Other Operating Revenue: the gross revenue is therefore allocated 70 percent to shareholders and 30 percent to ratepayers.
7. The City of Rancho Cucamonga prepared an Initial Study Mitigated Negative Declaration (MND) for the project, and a Notice of Intent and a Draft MND were distributed for 30 days of comment on April 22, 2016, pursuant to CEQA Guidelines.
8. The City adopted the MND on June 28, 2017. A Notice of Determination was filed with the San Bernardino County Clerk on June 30, 2017.
9. The Commission has reviewed SCE AL 3698-E and the associated documentation filed with the AL and has determined that the documents comply with the requirements of the California Environmental Quality Act.
10. SCE Advice Letter 3698-E complies with the streamlined procedures adopted by the Commission in General Order 173.
11. The Commission finds that the relief requested in AL 3698-E is not adverse to the public interest and should be granted.

THEREFORE IT IS ORDERED THAT:

1. The request of Southern California Edison Company in AL 3698-E for approval to enter into two Easement Agreements with CRP Oakmont Santa Anita, LLC and the City of Rancho Cucamonga is approved.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held March 22, 2018; the following Commissioners voting favorably thereon:

/s/ ALICE STEBBINS
ALICE STEBBINS
Executive Director

MICHAEL PICKER
President
CARLA J. PETERMAN
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
Commissioners